

Appendix to the Collective Agreement for  
the Commercial Sector  
Agreements and Recommendations

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## AGREEMENTS

### AGREEMENT ON THE COLLECTION OF TRADE UNION MEMBERSHIP FEES

#### Introduction

This agreement sets out the method by which employers can collect trade union membership fees. The Collective Agreement for the Commercial Sector includes provisions on the employer's obligation to collect trade union membership fees from employees' remuneration.

#### 1. Making an agreement on the collection of membership fees

Employees who wish to authorise their employers to deduct trade union membership fees from their pay must make an agreement to this effect with the employer. The agreement is made on the trade union membership fee collection agreement form.

#### 2. Membership fee collected and bases for determination

The membership fee collection system only applies to membership fees for Service Union United PAM's member organisations. These may not include any separate items. The membership fee may include an unemployment fund fee in addition to the ordinary, regular membership fee if the unemployment fund fee is connected to the ordinary membership fee.

The trade union informs employers in writing of the membership fee one year at a time. The notification must be made in the first half of December each year.

The membership fee may take the form of a percentage or an absolute price. Membership fees expressed as percentages are deducted from the gross wage subject to withholding tax.

#### 3. Collection and settlement period

The collection period for membership fees is the same as the pay period unless otherwise agreed by the labour market organisations. The employer transfers to the trade union the sum of the membership fees collected from employees for each collection period as soon as is technically possible.

#### 4. Employee-specific report on collected membership fees

The employer provides the trade union with an employee-specific report on the membership fees that have been collected at least quarterly. The report can also be provided in deviation from this provision if agreed (between the employer and the trade union), but it must be provided at least once a year. A report of terminated employment relationships is provided along with a notification of the termination of trade union membership fee collection.

The report includes the employing company's name, address and business ID, as well as the names and personal ID codes of the employees, the sum of the membership fees collected from each employee, and the employee-specific collection period if the membership fee collection agreement was made or the work ended during the settlement period. If collection of the membership fee has ceased, the reason for and time of the cessation is stated in the report. In addition, the report states the employer's name and address.

## **5. Miscellaneous regulations**

Agreements on the commencement or cessation of collection of trade union membership fees are made in writing between the employee and the employer.

The employee is provided with a report of the membership fees that have been collected after each collection transaction on the pay slip or in an equivalent way. The trade union reports the collected membership fees to the tax authorities.

When the employment relationship ends, the membership fee collection agreement automatically ends. The trade union is notified when the employment relationship ends.

The trade union provides the employer with the information and forms it requires to collect employee-specific membership fees. The trade union provides the relevant employer's association with all of the general information that it has delivered to customers regarding the collection of trade union membership fees.

The trade union bears the costs of the agreement used for the collection system, the cessation notice and the other forms.

## **6. Period of validity of the agreement**

This agreement will take effect on 1 September 2017, and it will be valid as part of the Collective Agreement for the Commercial Sector in accordance with section 28 thereof.

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## AGREEMENT ON WORKPLACE MEALS

The parties to the agreement state the following:

- Healthy nutrition, enjoyed at the correct time, is the foundation of good health and working capacity.
- Occupational health and safety legislation and decrees require that a room be reserved and furnished in the workplace or its immediate vicinity for the purpose of dining and, if no prepared food is available in the workplace, equipment be available for storing and heating food and drink brought to the premises.

The possibility of arranging workplace meals is affected by factors such as the number of employees, the buildings and staff rooms connected to the workplace, and the need for the use of dining options.

As such, workplace-specific circumstances and dining conditions are instrumental in the development of meals in the workplace. The aim is to enable employees to be provided with the opportunity to eat a meal, regardless of the workplace or form of working time.

The parties to the agreement consider it appropriate to provide employees with the opportunity to enjoy a properly assembled meal during the working day. However, the need for nutrition during working time can be satisfied in several ways.

The provision of a special workplace canteen is mainly appropriate in the largest workplaces. Taking into consideration the opportunity for several workplaces to engage in regional cooperation and the introduction of new food preparation and distribution methods, it is necessary to investigate how an appropriate outcome can be arrived at in these cases.

Promoting healthy eating habits requires cooperation between parties. If a workplace has access to a workplace canteen, fixed forms of cooperation should be required. In such cases, cooperation could occur in the labour protection committee or other organs of cooperation.

This agreement will take effect on 1 September 2017, and it will be valid as part of the Collective Agreement for the Commercial Sector in accordance with section 28 thereof.

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# COOPERATION AGREEMENT

## I SCOPE AND INTENT OF THE AGREEMENT AND TARGETS FOR COOPERATION

This agreement shall apply to Finnish Commerce Federation member companies, and this agreement has been included in the collective agreement that is binding on these companies. However, the provisions of Chapter II, Sections 1-3 of this agreement shall not apply to companies with a regular staff of fewer than 30 employees. In addition, Chapter II, Section 4, Clauses 1-2 shall not apply to such companies with regard to cooperation in accordance with the Act on Co-operation within Undertakings. However, this shall not affect the rights of shop stewards and labour protection delegates in accordance with the collective agreement.

The intent of this agreement is to promote cooperation between the employer and the staff, and to implement legislation concerning labour protection and occupational health care in the commercial sector.

Cooperation between the employer and the staff improves decision-making in the company, increases productivity, promotes equality between women and men, and improves the permanence of employment relationships and earnings.

The aim of labour protection and related cooperation is to improve the safety of work and working conditions, health and occupational well-being.

The laws referred to in this agreement are not parts of this agreement unless expressly stated otherwise. This agreement supplements the law.

## II COOPERATION PROCEDURE

### Section 1 Additional representative of the personnel

During cooperation procedures, the personnel can be presented by an “additional representative” belonging to the personnel in the workplace. The representatives of personnel groups as referred to in the Act on Co-operation within Undertakings may make an agreement with the employer enabling the representatives of the personnel to select the above-mentioned additional representatives. An agreement must also be made with the employer concerning which matters will be handled by the selected representative to which extent and, if necessary, for which period. Unless otherwise agreed, the period will be one year.

### Section 2 Position of the labour protection delegate and labour protection ombudsman in a cooperation procedure

Matters that fall within the scope of a cooperation procedure and that concern labour protection in whole or in part must be negotiated with the labour protection delegate or the labour protection ombudsman or addressed by the labour protection committee unless a different form of labour protection cooperation has been agreed. If demanded by the person concerned or the representative of the person concerned, the negotiation shall take place with the person or his/her representative and the labour protection delegate or labour protection ombudsman simultaneously.

### **Section 3 Advisory committee**

The employer and the representatives of staff groups who support the establishment of an advisory committee may agree to establish an advisory committee, even if certain groups of staff falling within the scope of the committee do not participate in cooperation within the advisory committee.

If the advisory committee is established in such a way that not every staff group participates in its activities, an agreement must also be made on how the staff groups who are not involved are offered an opportunity at least once per year to join the advisory board's establishment agreement.

Companies with more than 200 personnel in regular employment must set up an advisory committee if all of the personnel groups wish to have one.

If a matter addressed by the advisory committee concerns parties other than the staff group represented at the committee, a joint meeting must be arranged to discuss the matter as referred to in the Act on Co-operation within Undertakings.

#### ***Members' term of office***

The term of office of members of the advisory committee shall be one year unless otherwise agreed between the employer or the representatives of the company's staff. If a member of the advisory committee ceases to be a staff representative before the end of his/her term of office, his/her membership of the advisory committee shall also cease. The representatives of the relevant staff groups shall elect a new member to replace the outgoing member for the remainder of the term of office.

#### ***Organisation and meetings***

Unless otherwise agreed between the employer and the relevant staff representatives, the following procedures shall be observed with regard to the organisation and meetings of the advisory committee:

1. The advisory committee shall elect a chairperson and deputy chairperson from among its number, one of whom shall represent the employer while the other shall represent the staff, for a term of one calendar year at a time. If necessary, the advisory committee shall elect a secretary, who is not required to be a member of the advisory committee.
2. The employer must convene the advisory committee whenever necessary and at least four times a year. The employer must also convene the committee to address a matter falling within the competence of the advisory committee if separate notification is given and if one or more of the staff groups demands this.
3. The advisory committee may set up separate working units for agreed matters or groups of matters for preparatory purposes. The advisory committee may also delegate a specific matter or group of matters for the exclusive processing of a working unit if the advisory committee is in unanimous agreement.

When the establishment of an advisory committee is agreed or related arrangements are made, an agreement must also be made on the period of validity of the arrangement and how an agreement with an indefinite period of validity can be terminated.

The members of the advisory committee and representatives of personnel participating in joint meetings shall be provided with the necessary job release in relation to the meeting as specified in Chapter II, Section 4. Unless individual cases call for other job release arrangements, job release is granted to representatives of the personnel for mutual preparation up to a maximum of:

- one hour if the number of personnel is less than 200
- two hours if the number of personnel is at least 200 but less than 500
- three hours if the number of personnel is at least 500

#### **Section 4 Job release, compensation and training for staff representatives**

In addition to the provisions of the agreement on shop stewards and the labour protection cooperation agreement regarding job release, the following shall apply to compensation for travel expenses and work arrangements:

##### 1. Compensation for travel expenses

The employer shall pay travel expenses and per diem allowances to members of the labour protection organisation as required for journeys between different establishments belonging to the workplace for the purpose of cooperation when appropriate means of transport are used in accordance with section 22 of the Collective Agreement for the Commercial Sector or in accordance with company travel regulations drawn up on the basis of the collective agreement. The same also applies to other staff representatives participating in cooperation activities in accordance with this agreement if the journey has been agreed with the employer's representative.

##### 2. Work arrangements

When a staff representative is granted job release, the work arrangements shall be handled in such a way that the staff representative is able to participate in a cooperation procedure, labour protection or other cooperation as referred to in this agreement as agreed or on the basis of the Act on Co-operation within Undertakings. When a staff representative is granted job release, the employer shall make arrangements for a deputy if this is essential during the period of release.

##### 3. Cooperation training

A prerequisite of cooperation is that the people responsible for cooperation and the participants in it have sufficient information and capacity to act in the roles required.

The shop steward for a company or business unit shall be provided with appropriate training on development matters, taking into consideration the scope of the activities. Other personnel who are more permanently involved in development cooperation shall be provided with appropriate training to the extent necessary to enable them to evaluate different development measures and the impacts of these. Such personnel may include the labour protection delegates and any permanent members of development working groups.

Staff representatives shall be entitled to receive training in accordance with their duties as agreed in the training agreement.

#### **Section 5 Equality activities**

The labour protection committee or equivalent cooperation entity at a company with at least 30 employees in regular employment shall address the measures to be included in the personnel and training plan or labour protection action plan to enhance the realisation of equality between women and men in the workplace, and it may monitor and promote the implementation of proposed equality activities and make proposals on promoting equality in the workplace unless these matters are addressed by other forms of cooperation.



## **Section 6 Implementation of occupational health care**

A prerequisite for the systematic implementation of occupational health care in workplaces and receiving compensation for the costs of occupational health care from the Social Insurance Institution of Finland is that a workplace-specific plan of action be drafted annually, covering the following matters: The means of arranging occupational health care, the number and type of professional staff working in and related to occupational health care, the statutory forms of activity, any medical treatment activities, other voluntary preventative activities, the participation of healthcare professional as experts in labour protection work, the occupational health care operating premises, communication and guidance activities related to occupational health, the arrangements for monitoring and rehabilitating disabled employees, and the principles of activities intended to maintain working capacity.

## **III COMMUNICATION ACTIVITIES**

### **Section 1 Principles of internal communication activities**

When the procedures used for internal communication are developed, they must be discussed with the personnel or the representatives of the personnel before decisions are made. The need of supervisors at different levels to receive information must also be taken into consideration in the communication activities.

The employer must present the following to the personnel or the representatives of the personnel:

- A report on the company's financial position based on the company's financial statements after the financial statements have been approved
- In companies that have a regular staff of 30 employees, the company's financial statements as referred to in the Act on Co-operation within Undertakings shall be provided to the staff representative in writing upon request.

In companies that have a regular staff of less than 30 employees, the following procedures shall also be followed:

- The employer must communicate material changes in work duties, in the workplace and in working conditions that may affect the position of the personnel, as well as equipment purchases and the use of external workforce, when these are in the planning phase and under consideration by the employer.
- After having made a decision, the employer must communicate the content of the decision if it deviates from the plan communicated before the decision was made or if the relevant personnel or representative of the personnel request such communication.

Communication must be implemented irrespective of whether the matter is primarily considered to fall within the scope of development activities, labour protection or other communication.

### **Section 2 Communication between personnel**

Service Union United Pam's associations, local trade union branches, chapters or equivalent entities shall be entitled to distribute meeting invitations to their members outside of working hours, either before the start of working hours, during meal breaks or after work. The same right applies to the distribution of written communications related to working conditions in the workplace or general labour market issues in a staff cafeteria, changing room or other area agreed with the employer outside the actual place of work.

If a periodical intended for the personnel is published in the workplace, the staff collective referred to in item 1 shall be entitled to use it to publish invitations to meetings and similar events, as well as communication material concerning employment relationships in the workplace or general labour market issues free of charge.

The local trade union branch or similar organisation operating in the workplace may communicate labour market issues as well as general issues on a notice board or part thereof, which the employer must allow the local trade union branch or similar organisation to use. The local trade union branch is responsible for the content and care of the notice board that it uses. Notifications may only be attached to the notice board.

Invitations to meetings and notifications must bear the name of the local trade union branch or equivalent collective that issues them.

Other notification methods and tools as agreed locally may also be used for communication among the staff in compliance with the principles stated in this section.

## **IV DEVELOPING THE COMPANY**

### **Section 1 Development activities**

The aim of development activities is to improve the company's productivity and well-being at work. Such development includes making changes to factors such as the organisation, working practices and methods or tools.

### **Section 2 Cooperation**

The employer must discuss all development measures with the shop steward before embarking on such measures. Only measures that affect a few personnel may be handled by the employer and the persons concerned directly.

If the development measures will cause material changes to the positions, work duties or number of personnel, the employer must work with the shop steward to investigate the possibilities and alternatives that could enable the continuity of the personnel's employment relationships to be assured. If the matter has already been handled between the employer and the person concerned, no such investigation is required.

If an employee transfers to a new or changed role, the employer must ensure that any necessary additional training or orientation is arranged. The need for professional competences and training is assessed and stated by the employer and the shop steward jointly.

### **Section 3 Project-specific development work group**

If a development project is significant and will cause substantial changes to the content of the personnel's working duties or the means of performing the work, a project-specific development working group is set up with representatives of the employer and the personnel.

The purpose of the work group is to gather the target group's expertise on the matter and promote the empowerment and engagement of the personnel. The work group should be set up at the earliest possible stage. The group must be given all of the information required to address the matter before the matter is addressed.

The personnel nominate their own representatives from among the personnel in the workplace subject to development or from within the scope of the activities subject to development. The labour protection delegate is allowed an opportunity to participate in handling questions related to labour protection in the work group.

#### **Section 4 Occupational well-being and labour protection**

Development activities must take into consideration the requirements set for labour protection. When plans are made to deploy new technology, they must aim to enable meaningful and varied work content and improved working conditions. Special attention must be paid to eliminating or reducing harmful physical and mental stress factors. Any measures taken must not cause harm to employees' health or occupational safety.

#### **Section 5 Investigations**

Any work investigations related to development activities must be conducted openly. Before embarking on any investigations, the shop steward must be informed, as well as the personnel whose work the measures concern. The notification must set out the subject and purpose of the research, the dates of execution, the research method, whether the research is part of a wider investigation, the time frame during which the research may lead to practical measures, and who is responsible for the research. Additional information on the progress of the research and potential changes must be provided if required.

The shop steward must be allowed an opportunity to familiarise himself/herself with the material and research results collected during the research. The research material and related records must be made available to the shop steward.

#### **Section 6 Information confidentiality obligation**

Before the employer discloses a business or professional secret, the basics of confidentiality are explained to the relevant personnel or representative of the personnel.

When announcing an obligation of confidentiality, the employer must specify the information falling within the scope of the confidentiality obligation and specify the confidentiality period for the information. Unless otherwise agreed between the employer and the people entitled to receive the information, confidential information may only be processed by the people or representatives of the people whom the matter concerns.

Information that is received with the written consent of the person concerned and that relates to the person's financial position, state of health or other personal information, must be kept confidential unless the person concerned has consented to the disclosure of the information.

The confidentiality obligation is also stipulated in Section 43 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces.

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# GENERAL AGREEMENT

## 1. Principles of negotiation and agreement activities

1.1. The labour market organisations undertake negotiation and agreement activities on the basis of freedom of contract. The parties negotiate towards a common understanding on issues within the scope of their members' interests.

1.2. The labour market organisations emphasise the importance of all negotiating levels and holding negotiations at various negotiating levels on the basis of equality, adhering to the principle of continuous negotiation.

1.3. When negotiation and agreement systems are developed, the constant goal is for the systems to correspond to the needs and possibilities of the companies and their personnel. In service companies, the workforce is a key resource for the profitability and continuity of businesses.

1.4. The labour market organisations strive to promote the personnel policies of companies – particularly the cooperation between companies and personnel – working conditions, stability of employment relationships, the development of the personnel's vocational skills and training provided to personnel, the availability of labour and the productivity of companies. To this end, new agreements that are suitable for the changing conditions of working life and various systems intended for cooperation are developed.

1.5. The labour market organisations may enter into negotiations focusing on legislation, either in bipartite or tripartite cooperation. The labour market organisations strive to play their part in ensuring that adequate business and legislative expertise is involved in the preparation of labour legislation.

## 2. Negotiation and agreement activities between the labour market organisations

2.1. Collective agreements are made between the labour market organisations. Collective bargaining must safeguard the freedom of contract and sufficient decision-making autonomy for the labour market organisations. The parties strive to make collective agreements primarily through negotiations. The labour market organisations enter into negotiations in good time before the expiry of the existing sector-specific collective agreements.

2.2. In general, the collective agreements should be made in compliance with established principles in the sector.

Disputes concerning the scope of application should primarily be resolved through negotiations between the labour market organisations. If a dispute concerning the scope of application cannot be resolved by negotiation, the matter can be submitted to a jointly agreed body for resolution.

2.3. The labour market organisations agree on models that enable the needs and possibilities of companies and their personnel to be taken into consideration in workplace-level negotiation and agreement activities.

## 3. Workplace level

3.1. The labour market organisations ensure that collective agreements are implemented in workplaces. The parties emphasise the importance of communicating matters generally related to collective agreements

and employment relationships. Communication must be open, it must occur at a sufficiently early stage, and it must provide information on all relevant matters.

3.2. By developing negotiation and agreement systems, the labour market organisations contribute to the development of good and appropriate negotiating relationships in the workplace.

3.3. The labour market organisations promote the functionality of the negotiation process in accordance with the collective agreements at the workplace level. A prerequisite for this is that the company and the personnel both nominate the parties responsible for negotiations.

3.4. The principle of continuous negotiation is observed in workplaces. The importance of continuous negotiation is particularly important in matters relating to the introduction of new service methods and new technology and the impacts of these, the development of work content and work planning and organisation, employee training and relocation, the means by which companies use labour, and issues relating to equality where appropriate.

3.5. When workplace-level negotiation and agreement activities are developed, a constant aim is to take into consideration the impacts of key changes in working life affecting workplaces, new occupations and new business sectors, and agreeing on these with regard to the continuity of the company's business and profitability, as well as the conditions of employment relationships. The labour market organisations place particular emphasis on taking training requirements into consideration and the importance of training in terms of the stability of employment relationships.

#### **4. Validity of the agreement**

4.1. This agreement will take effect on 1 September 2017, and it will be valid as part of the Collective Agreement for the Commercial Sector in accordance with section 28 thereof.

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## RECOMMENDATIONS

### RECOMMENDATIONS ON PREVENTING SUBSTANCE ABUSE PROBLEMS, HANDLING MATTERS OF SUBSTANCE ABUSE AND REFERRAL FOR TREATMENT IN WORKPLACES (from 2015)

#### Handling substance abuse in the workplace

Substance abuse is a major problem in Finnish workplaces. These recommendations apply to the harmful use of alcohol, the abuse of medications and the use of narcotic drugs. These recommendations seek to reduce the harm caused by substance abuse. The recommendations can be applied both in the private and the public sector.

The recommendations provide workplaces with means of preventing and handling substance abuse problems. The target is a workplace free from the problems of substance abuse. Workplaces are encouraged to develop and strengthen their operating methods related to preventing substance abuse in cooperation with the personnel. Particular emphasis is placed on preventive action and intervention at the earliest possible stage in the event of harmful substance abuse.

The central organisations recommend that all workplaces have an operating model for:

- preventing substance abuse problems
- handling substance abuse issues
- referring people for treatment

If drug testing is to be conducted on employees or job applicants, the employer must have a substance abuse programme in accordance with Section 11 of the Occupational Health Care Act. These recommendations can be used to support the preparation of such a substance abuse programme.

Matters related to the substance abuse programme in the workplace, the procedures for referring people to treatment and other matters related to substance abuse are handled as a part of labour protection cooperation between the employer and the representatives of the personnel. Occupational health care expertise is included in the process of handling these matters. The substance abuse programme and other plans related to matters of substance abuse can be included in the labour protection action plan, or they may be drafted as separate documents.

#### Preventive action

Action to prevent substance abuse problems supports the joint performance of occupational well-being and occupational health and safety work in the workplace. Communication and training on matters related to substance abuse are essential for this, as is intervention at the earliest possible stage in the event of harmful use of alcohol and other intoxicants. Communication and training concern the harmful nature of substance abuse, identifying abuse and problems, intervention and possibilities for referring people for treatment.

## **Communication and training**

The aim of communication and personnel training is to:

- promote healthy lifestyles free from substance abuse
- provide information about the problems and adverse effects of the harmful use of intoxicants in working life
- influence attitudes to enable the harmful use of intoxicants and related problems to be identified and handled openly and constructively
- lower the threshold for intervention and raising issues for discussion
- raise awareness of joint operating practices in the workplace (the substance abuse programme) and the commitment of personnel
- promote immediate and early intervention in the harmful use of intoxicants
- promote the referral of substance abusers for treatment

The training should be aimed at the entire personnel and it should make use of occupational health care expertise. It is essential to train supervisors and representatives of personnel on operating practices applying to substance abuse in the workplace.

## **Working community**

In its everyday activities, the working community must commit to a work culture free from substance abuse. Alcohol should not be served in large quantities at workplace events, and it should be made easy to refuse alcohol. This also applies to leisure-time events organised by the workplace. Getting drunk is not acceptable under any circumstances. Everyone – supervisors and employees – can set a good example to promote a workplace free from substance abuse. Workplaces may also have a person trained in substance abuse problems (substance abuse contact person). Disregarding, concealing or downplaying substance abuse is not permitted in the workplace. Appropriate, constructive and timely intervention in the event of problems can often prevent substance abuse problems from becoming worse.

A feeling of excessive workload may be a major predisposing factor in the high-risk use of intoxicants and, thereby, in the development of a substance abuse problem. Good work organisation and management play a part in preventing excessive workloads and work-related stress and, thereby, the onset of substance abuse problems.

## **Occupational health care**

Occupational health care has a statutory duty to promote the prevention of illnesses and loss of working capacity. It is important for occupational health care to play an active role in preventing substance abuse problems. Workplaces make use of occupational health care expertise to arrange communication and training. The tasks set out in the occupational health care decree (Government Decree on the principles of good occupational health care practice, the content of occupational health care and the qualifications of professionals and experts, 708/2013) include providing advice and guidance to employers and employees in matters such as preventing the abuse of intoxicants, early identification of substance abuse problems, and referral for treatment and care.

The workplace's requirements in matters related to substance abuse are investigated by means such as discussions between the employer and the representative of the employees in conjunction with workplace investigations. The occupational health care service should take the initiative to promote discussion of substance abuse issues in the workplace.

When preventive activities are planned, the occupational health care service can make use of information it has received concerning the prevalence of high-risk behaviour and substance abuse problems, taking into consideration data protection. The occupational health care service may obtain such information on the basis of health checks and contact with medical services and the employer. It is also possible to conduct a personnel survey in the workplace to gauge the need for addressing substance abuse issues.

The occupational health care service must always bring up matters related to substance abuse issues in connection with health checks and medical treatment. This may be achieved using audit surveys. If the occupational health care representative suspects a substance abuse problem, the employee should be instructed to seek treatment independently. If the use of intoxicants is a significant factor when evaluating working capacity, this should be recorded in the doctors certificate if necessary.

The occupational health care action plan records the necessary measures to prevent, identify and mitigate the harmful effects of substance abuse in the workplace. A further aim is to prevent short-term and long-term loss of working capacity due to substance abuse and eliminate the danger to occupational health and safety. If the workplace does not have a separate substance abuse programme, procedures to prevent substance abuse can be included in the occupational health care action plan



## HANDLING SUBSTANCE ABUSE ISSUES

### Identifying the situation

Identifying harmful use is essential to preventing and treating the harm caused by substance abuse. Harmful use may occur in different ways and the hallmarks may include:

- recurrent tardiness, premature departure from the workplace or other lack of compliance with working hours
- occasional and sudden absences from work
- repeated, unpredictable shift changes at the employee's own initiative
- arriving at work or working while intoxicated or hangover
- loss of work efficiency, negligent work and recurrent errors
- certificates for absence due to illness from different doctors
- avoiding supervisors or social situations in the workplace
- repeated accidents
- drunk driving
- feigning illness to avoid work
- changed or abnormal behaviour or character

The harmful use of intoxicants may also become apparent in conjunction occupational health care health checks and medical treatment.

The unauthorised use of intoxicants in the workplace and working while intoxicated constitute serious breaches of employment obligations. The use of intoxicants may also meet the statutory definition of criminal activity in cases such as traffic safety duties. The use of narcotic drugs is criminal without exception.

### Intervention

It is important that the workplace has clear and fair practices for reacting to substance abuse. However, the special features of each case must be kept in mind when considering the action that must be taken. The treatment referral recommendations describe the workplace's practices for referring people for treatment.

The aim is for the issue to be brought up at an early stage and for the person to be referred for treatment before the substance abuse has advanced to the stage where the employee neglects his/her work duties. This requires early identification of substance abuse problems. The initiative to bring an issue up for discussion may be taken by the supervisor, occupational health care service or a colleague.

Based on the discussion with the substance abuser, a plan is made for further measures and the need for any treatment is evaluated. The occupational health care service should be involved in making the plan, evaluating the need for treatment and monitoring the impacts of actions.

### Roles and duties of the employer and supervisor

The representatives of the employer (managers and supervisors) are primarily responsible for substance abuse issues in the workplace. If a person's behaviour or work performance indicates a potential substance abuse problem, the supervisor should talk to the employee about the operating practices and requirements in the workplace, as well as the potential sanctions and treatment options. As the

employer's representative, the supervisor must always verify that the suspected or observed substance abuse does not compromise work, customer or traffic safety. Intoxicated employees can be removed from the workplace.

If the employer suspects that an employee is intoxicated while working, the employer must evaluate the situation on a case-by-case basis. The applicable rules and regulations must be complied with when executing tests of various types. Drug testing is subject to the provisions of Chapter 3 of the Act on the Protection of Privacy in Working Life (759/2004). There is no legislation on alcohol testing in working life – this has been subject to local agreement. An example practice may be to prove or disprove suspected alcohol intoxication using voluntary breath tests.

If it is unclear whether work-related problems are due to substance abuse or other causes, the employee concerned can be referred to the occupational health care service for a working capacity evaluation and an evaluation of the need for treatment.

### **Rolls and duties of colleagues**

Every colleague is obliged to advise and encourage substance abusers to seek help and to contact the occupational health care service or other professionals. If the workplace has a nominated substance abuse contact person, the colleague may also request that he/she talk to the employee concerned. Hiding or concealing the problem must not be accepted or supported by means such as covering up the employee's negligence of work duties.

It is important for the success of treatment that colleagues who are being treated and returning from treatment are accepted as equals in the working community. This helps employees to cope and recover. The working community can encourage colleagues towards lifestyles free from substance abuse and sobriety.

### **Rolls and duties of the occupational health care service**

The occupational health care personnel are tasked with evaluating the problematic use of alcohol and other intoxicants whenever they come into contact with patients, actively intervening if necessary, and providing information and support on treatment for substance abuse problems.

If the occupational health care service identifies a substance abuse problem, the occupational healthcare service has a duty to inform the substance abuser of the available treatment opportunities and refer him/her for appropriate treatment. Sometimes the occupational health care service may also offer its own services to treat substance abuse problems. These opportunities can be agreed upon as part of the occupational health care service agreement.

At the supervisor's request, the occupational health care service must conduct a working capacity evaluation, evaluate the need for treatment and participate in referring a patient for treatment, implementing treatment and monitoring the implementation of treatment.

### **Cooperation and representatives of the personnel**

The principles applied in the workplace in relation to handling substance abuse issues, referral for treatment and the occupational health care service's role in substance abuse issues are discussed in cooperation with all personnel groups. The shop stewards, labour protection delegates and other representatives of the personnel play a key role in planning and monitoring the operating model.

When handling individual cases, the employer is entitled to inform the representative of the personnel of the matter with the consent of the substance abuser. At the employee's request, the representative of the personnel is entitled to be present when the matter is handled with the employer. The representatives of the personnel and the employer are always bound by a duty of confidentiality in matters related to individual employees' use of intoxicants and treatment.

## REFERRAL FOR TREATMENT

### Seeking treatment

Treatment is more effective if patients are able to recognise substance abuse problems themselves and seek treatment. Substance abusers are supported in seeking treatment. The primary aim is to encourage people to take the initiative and seek treatment voluntarily.

Treatment can be sought at the initiative of:

- the substance abuser himself/herself or of his/her family
- a colleague or the workplace substance abuse contact person
- the supervisor/employer
- the occupational health care personnel

Information should be available in the workplace and the occupational health care service regarding the places and forms of treatment available to enable patients to be referred for treatment or to seek treatment. If there is a substance abuse contact person in the workplace, he/she may also take care of the practical arrangements for treatment referrals.

The aim of treatment is to resolve the substance abuse problem, retain working capacity, achieve the best possible health and social state, reduce absences, stabilise the working routine and arrange the employee's own affairs and those of the family.

The substance abuse programme generally includes the opportunity to refer a substance-abusing employee for treatment. When the employee is referred for treatment, he/she may also be issued a warning for reasons such as inappropriate behaviour or negligence of work duties. The substance abuse programme does not preclude the termination of employment or service if legal grounds exist for this (see the legal praxis in relation to this matter, e.g., TT 2001-56, TT 2007-46, TT 2007-84, TT 2007-89, TT 2013-1 and TT 2013-184).

### Referral for treatment and implementation of treatment

If a substance abuser does not seek treatment on his/her own initiative, the workplace must take the necessary measures to refer him/her for treatment. In such cases, an agreement must be made on the role of the occupational health care service, monitoring of the progress of treatment, and reporting. The occupational health care service may also refer employees for treatment.

A written agreement is made on referring employees for treatment, stating the place of treatment, treatment time, monitoring methods and consequences if the person does not commit to the agreed treatment. The treatment referral agreement, consent to treatment and effective treatment aim to help the employee to recover and the employment relationship to continue. One copy of the agreement is given to the employee concerned and one copy is provided to his/her supervisor.

To ensure that the employee referred for treatment can recover and cope at work, a suitable and adequate form of treatment is sought. The employer's representative is involved in practical arrangements in addition to the occupational health care personnel and/or the substance abuse contact person. The employer's representative makes decisions regarding the right to be absent from work and the payment

of sick pay if it is necessary to treat the employee during working hours. In principle, the time taken to treat a substance abuse problem or other illness is not working time. A sector- or workplace-specific agreement may provide for this time to be paid. When substance abuse illnesses are treated, equal treatment of employees must be assured.

During treatment, it is important to monitor the implementation of treatment. The employee being treated must comply with the agreed treatment plan. For the duration of the treatment agreement, tripartite discussions can be held between the supervisor, employee and a representative of the occupational health care service concerning the progress of treatment. It is essential to arrange treatment as a coherent and gradual process that includes the necessary monitoring of implementation.

### **Income security and compensation for costs**

The employer is not obliged to pay wages for periods of absence from work due to intoxication. This also applies in the event that the employer has removed an intoxicated person from the workplace.

It is advisable to record the division of the costs of treatment between the employer and the employee in the substance abuse programme.

The workplace or the occupational health care service should be prepared to provide advice on applying for income security and compensation for the costs of treatment and other procedures. The Social Insurance Institution of Finland decides upon any sickness allowance or rehabilitation allowance. For periods of institutional rehabilitation, the rehabilitation allowance paid by the Social Insurance Institution of Finland may be paid to the employer, as for other forms of rehabilitation, if the employer pays a wage to the rehabilitated worker during the period of rehabilitation.

### **Confidentiality**

Information related to a substance abuse problem, the referral of a substance abuser for treatment, and the treatment itself is confidential. This information must not be disclosed to third parties without the consent of the relevant party.

Akava

The Confederation of Finnish Industries

The Office for the Church as Employer KiT

Local Government Employers

The Central Organisation of Finnish Trade Unions SAK

Finnish Confederation of Professionals STTK

The Office for the Government as Employer

## RECOMMENDATION FOR THE GROUND RULES FOR ON-THE-JOB LEARNING

The vocational education reform will increase the amount of on-the-job learning. To secure the availability of a professionally competent workforce, it is important for companies to offer training contracts and apprenticeships.

The general principles applying to training contracts and apprenticeships shall be discussed with the shop steward and/or the personnel in the workplace, along with the number of students. The discussion may also be held when the personnel plan is addressed.

The workplace instructor must be designated in advance and the person must be vocationally competent and qualified in terms of his/her education or work experience. Insofar as is possible, efforts are made to appoint a workplace instructor who is otherwise suitable for the position of instructor. The instructor's duties are agreed with the instructor. Alongside the workplace instructor with principle responsibility, other members of the working community may also provide guidance as required.

The workplace instructor must be familiar with the professional competence requirements for the part of the qualification that is being completed, as well as the areas and criteria for evaluation. When a person is appointed to the position of workplace instructor and he/she has not previously worked as an instructor on the qualification concerned, the employer shall give him/her the opportunity to familiarise himself/herself with the foregoing facts under the supervision of the guiding teacher during working time.

During the agreement period, the labour market organisations shall assess the barriers and incentives to on-the-job learning, as well as the working conditions and resourcing for workplace instructors and employees participating in implementing the training.

This recommendation will take effect on 1 April 2018, and it will be valid as part of the Collective Agreement for the Commercial Sector in accordance with section 28 thereof.

FINNISH COMMERCE FEDERATION  
SERVICE UNION UNITED PAM