

Human Rights of Persons with Disabilities – Human Rights Council resolution
19/11

Work and Employment of Persons with Disabilities

Government of Finland

October 2012

WORK AND EMPLOYMENT OF PERSONS WITH DISABILITIES

1. Detailed information on the measures adopted by your country to ensure that persons with disabilities have equal opportunities for productive and gainful employment in the open labour market (articles 4 (1) (a) and 27 (1)).

Legislation and Government actions concerning the rights of persons with disabilities

As a Member State of the United Nations and of the European Union, Finland is committed to advancing an open and non-discriminatory society for all. The Constitution of Finland (Suomen perustuslaki 731/1999) lays down provisions on equality and non-discrimination before the law. A general principle in the Finnish legislation is the general applicability of the legislation to all groups of people, including persons with disabilities.

Equality of opportunity

Provisions concerning equality, prohibition of discrimination (including based on age and sex) and equal treatment of children are given in the Constitution of Finland.

In accordance with section 6 of the Constitution of Finland, “no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development. Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.”

The Non-Discrimination Act (Yhdenvertaisuuslaki 21/2004) lays down provisions on the public authorities’ duty to foster equality (section 4) and on the prohibition of discrimination based on, for example, disability (section 6). The Act includes a special provision (section 5) on steps to help a person with disabilities to gain access to work or training.

The Non-Discrimination Act is applied in accordance with section 2(1) of the Act to both public and private activities, regarding:

- ”1) conditions for access to self-employment or means of livelihood, and support for business activities;
- 2) recruitment conditions, employment and working conditions, personnel training and promotion;
- 3) access to training, including advanced training and retraining, and vocational guidance; and
- 4) membership and involvement in an organization of workers or employers or other organizations whose members carry out a particular profession, including the benefits provided by such organizations.”

Section 4 of the Non-Discrimination Act provides that “in all they do, the authorities shall seek purposefully and methodically to foster equality and consolidate administrative and operational

practices that will ensure the fostering of equality in preparatory work and decision-making. In particular, the authorities shall alter any circumstances that prevent the realization of equality.”

In accordance with section 5 of the Act in order to foster equality in the contexts referred to in section 2 (1), a person commissioning work or arranging training shall where necessary take any reasonable steps to help a person with disabilities to gain access to work or training, to cope at work and to advance in their career. In assessing what constitutes reasonable, particular attention shall be devoted to the costs of the steps, the financial position of the person commissioning work or arranging training, and the possibility of support from public funds or elsewhere towards the costs involved.”

Section 6 of the Non-Discrimination Act prohibits discrimination, stating that “nobody may be discriminated against on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The prohibition of discrimination based on gender is covered by the provisions of the Act on Equality between Women and Men (Laki naisten ja miesten välisestä tasa-arvosta 609/1986).

Discrimination means:

- 1) the treatment of a person less favourably than the way another person is treated, has been treated or would be treated in a comparable situation (direct discrimination);
- 2) that an apparently neutral provision, criterion or practice puts a person at a particular disadvantage compared with other persons, unless said provision, criterion or practice has an acceptable aim and the means used are appropriate and necessary for achieving this aim (indirect discrimination);
- 3) the deliberate or de facto infringement of the dignity and integrity of a person or group of people by the creation of a intimidating, hostile, degrading, humiliating or offensive environment (harassment); and
- 4) an instruction or order to discriminate.“

The Finnish non-discrimination legislation is under reform. The Ministry of Justice has set up a working group to revise the Non-Discrimination Act during this Government period (2011–2014). The aim is to bring the revised legislation into force before the next parliamentary elections in the spring of 2015. The purpose of the reform is to strengthen the legislation with regard to various grounds of discrimination, such as sexual orientation and disability. New non-discrimination legislation, which takes into account legislative developments in Europe and effectively guarantees equality regardless of the grounds of discrimination, will be drafted in collaboration with the social partners and civil society organisations and submitted to Parliament. To ensure that the legislation is implemented, more effective monitoring and administration will be introduced.

2. Detailed information on the measures adopted to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities in the field of employment, as well as to eliminate discrimination on the basis of disability by private employers and enterprises (articles 4 (1) (b), (d) and (e), and 27 (1) (a)).

The Finnish non-discrimination legislation is under reform. New non-discrimination legislation that takes into account the European legislative developments and that effectively guarantees equality regardless of the discrimination grounds is being drafted in collaboration with social partners and civil society organizations and will be submitted to Parliament by the fall of 2013 at the latest. To ensure the implementation of the legislation, monitoring practices and administration will be made more effective.

3. Information on the affirmative action programmes, incentives and other measures, if any, that your country has developed to promote employment opportunities for persons with disabilities in the public and private sectors (articles 5 (4) and 27 (1) (e), (g) and (h)). Has your country adopted any measure to increase employment opportunities for persons with disabilities belonging to particularly vulnerable groups (for example young persons with disabilities, women with disabilities, persons with intellectual/psycho-social disabilities, etc.)?

Under the Social welfare act (Sosiaalihuoltolaki 710/1982), municipalities' responsibility to arrange social services includes activities that support persons with disabilities in finding employment and guide them to unpaid work-related activities. Activities that support the employment of persons with disabilities means arrangement of training and other support to promote their placement in the labour market. Such activities are arranged for persons who, due to a disability, an illness or other similar reason, suffer from long-term difficulties in coping with the regular functions in life and who need support from the social welfare service along with the services and measures offered by the employment administration in order to get employment in the public labour market. The social welfare service is also responsible for taking care that the clients are informed of other rehabilitation possibilities and that they are directed, as necessary, to the health care, employment or education authorities' services or to the Social Insurance Institution (Kela) or other service provider in cooperation with the organisers of rehabilitation.

As a part of activities that promote the employment of persons with disabilities, the employed person may be in a service relationship with the service provider.

Work-related activities for persons with disabilities mean activities that help them to maintain and promote their functional capabilities. Such activities are organised for unemployed persons whose participation in activities supporting employment, organised under the Social welfare act, is prevented by a disability and whose livelihood is based mainly on allowances granted on the grounds of an illness or unemployment. A person participating in work-related activities organised for persons with disabilities is not in an employment relationship with the organiser of the activities or the service provider.

Under the Act on special care for persons with intellectual disabilities, persons in need of special care should be arranged job coaching, work-related activities and other inspiring pursuits.

The Ministry of Social Affairs and Health has set up a working group to reform the legislation that supports employment, job coaching, work-related activities and meaningful daily activities. The objective is to clarify the social welfare service's role in supporting employment in relation to the legislation and services provided by the employment and economic life administration. The Ministry of Social Affairs and Health has set up another working group to prepare an action plan to promote the employment of persons with limited capability for work and, as necessary, to make proposals to implement the action plan.

The Act on interpretation services for deaf-blind, persons with hearing impairment and persons with a speech disorder has also been revised and it entered into force on 1 September 2010. In effect, the responsibility for organising and financing these services was transferred from the municipalities to Kela – the Social Insurance Institution of Finland. It means that the State now takes full responsibility for financing these interpretation services.

Government Disability Policy Programme Vampo

Significant reforms and alignments have been made in the Finnish disability policy during the last ten years applying to the Government Report on Disability Policy 2006, the Government Disability Policy Programme Vampo (2010–2015), the Act on services and support for the disabled and the Act on interpretation services for deaf-blind, hard of hearing people and

persons with a speech disorder. The new policies are based on the principles of equal human rights for all, non-discrimination, equality and inclusion. The development continues in the State administration and the goal is to combine the Act on services and support for the disabled and the Act on special care for persons with intellectual disabilities.

The Government wants to ensure the equal status of people with disabilities in society by tackling shortcomings through concrete corrective and development measures. The Disability Policy Programme outlines concrete disability policy actions for the next few years (2010–2015). The measures are ambitious and aim at developing all the relevant policy sectors from the perspective of the rights, freedoms and equal opportunities of persons with disabilities. The revised Act on services and support for the disabled entered into force on 1 September 2009. The revisions include legislative amendments on service needs assessment, service planning and personal assistance. Persons with a severe disability have now a new subjective right to personal assistance. Also a provision concerning the primacy of the services and support for the disabled Act in relation to the Act on special care for persons with intellectual disabilities was added to the Act.

An online Handbook on Disability Services was published in 2009 to improve the nationwide equality in services for persons with disabilities, to enhance service quality and to promote a new approach to disability policy, ensuring persons with disabilities exercise of their right to self-determination and more opportunities for participation. The eHandbook takes into account the needs of different groups such as women and children. It is intended for people working in the field, for use in support of client work and decision-making. At the moment plans are being made to complement the eHandbook by a child and family section, which would take into account their wishes when planning and supplying services.

The National action plan on fundamental and human rights

The National action plan on fundamental and human rights was adopted by the Government on 22 March 2012. The action plan was drafted on the basis of the Government Programme of Prime Minister Jyrki Katainen. As required by the Parliament, the Government will submit a separate, more comprehensive human rights policy report where the implementation of the set targets will be reviewed.

The action plan translates into concrete terms the duty to guarantee the observance of fundamental rights and human rights imposed on public authorities by the Constitution. This is a cross-administrative action plan that focuses on concrete projects. In the action plan key development needs are identified. The plan contains 67 separate projects in the administrative branches of all Ministries to be carried out 2012 and 2013. Persons with disabilities are involved in many of these projects even though not always especially mentioned.

One of the projects aims at supporting and promoting participation in working life of persons with disabilities. During the project the structure of the social care service system that supports inclusion in working life and the entity of legislation, as well as incentives for customers in the service system is to be examined.

Media campaign on non-discrimination

A media campaign on non-discriminatory recruitment with a special focus on young people with disabilities, Roma youth and young people with immigrant background will be launched on 7 November 2012 by the Ministry of Employment and the Economy. In addition to campaign material (video and radio interviews, website, flyers etc.) directed at employers, information material on recruitment and working life practices as well as general terms of employment will be distributed to young job seekers at risk of discrimination. The campaign has been planned

and will be executed together with representatives of Roma and immigrant communities, as well as NGOs representing people with disabilities.

YES – Equality is Priority

One of the aims of the national YES – Equality is Priority project has been to combat discrimination and promote diversity in working life and business. In 2010 the Ministry of Employment and the Economy carried out a mapping exercise on good practices in diversity management in both private and public sectors. Based on the results, a publication called “Success from diversity – vitality from difference” was produced and distributed to companies and public sector organisations.

The year 2012 YES Project is aiming to promote diversity (including disability) in the workplace and in companies by supporting voluntary initiatives such as the diversity charter. The Diversity Charter in Finland was launched 3 October 2012 in co-operation with the Ministry of Employment and the Economy and a business network called the Finnish Business & Society. The launching will be followed by two workshops on methods and tools for bringing diversity management into daily routines of a company.

Guidebook on public support for employers hiring people with disabilities

In 2010, a guidebook (Vammoista viis – tärkeintä on osaaminen) on public support for employers hiring people with disabilities was published by the Ministry of Employment and the Economy. The guidebook provides information on different forms of special support to employ people with disability or partial capacity for work. The publication also encourages employers for enlarging their recruitment ground and hiring capable employees regardless of their disabilities, illnesses or other physical characteristics. The guidebook introduces the benefits of a diverse work community and presents examples on the successful use of the existing positive action measures. The publication was prepared in co-operation with disability NGOs, labour authorities and social partners.

Wage subsidy paid to employers

Wage subsidy can be paid to employers recruiting people with disabilities. The amount of subsidy can be higher for employing people with disabilities than when employing people without disabilities. Also the time limits concerning the payment of wage subsidy are lifted when the employee in question is a person with disabilities.

Social Enterprises

The Act on Social Enterprises came into force 1 January 2004. It was prepared in active and fruitful interaction of the practical actors and disability organizations. The new legislation supports the placement of the disabled and long-term unemployed.

The Ministry of Employment and the Economy renewed the Act in 2007. The central improvements were: amendments to the criteria of calculating the wage subsidies, a person who has right to wage subsidy need not necessarily be referred by labour authorities, a social enterprise can nowadays hire its employees forward to other enterprises and can collect a reimbursement set by itself without losing the wage subsidies.

There are 154 registered Social Enterprises (firms) in Finland (May 2010). At least 30 % of the personnel in the social enterprise must be either persons with disabilities or a mix of those and long-term unemployed persons. The employees have an employment contract with the social enterprise, and the social enterprise pays its employees at least the salary fixed in the collective

agreement. Social enterprises operate in the open market and at least 50 per cent of the revenue of the enterprise must be originated from its business.

4. Information on measures your country has introduced to enable persons with disabilities to access general technical and vocational guidance programmes, placement services and vocational and continuing training (article 27 (1) (d)). Please also indicate the steps taken to promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities (articles 26 and 27 (1) (k)).

Education

In the field of education and culture there is a well-established principle according to which all persons with disabilities are members of society and have the right to remain in their local communities. They should receive the support they need within the ordinary structures of education, sports and cultural services. Therefore, legislation in this field mainly guarantees equal participation for persons with special needs. This principle is also acknowledged in the Non-Discrimination Act. People have the right to take part in training irrespective of their personal characteristics, such as a disability.

In accordance with section 5 of the Non-Discrimination Act, reasonable steps must be taken, if necessary, by the organizer of a training to give a person with disabilities access to the training. An Act on the amendment of the Basic Education Act has been issued recently (Laki perusopetuslain muuttamisesta 642/2010). The changes and guidelines based on them concern also special-needs education and its organisation in many ways. The National Board of Education has issued guidelines and regulations on the premises of organisation of education; on the principles on which arrangement of support is based; and on support in special situations.

Sections 16 and 17(a) of the Act on the amendment of the Basic Education Act contain provisions on the pupil's right to remedial teaching, special-needs education, enhanced support and special support.

In accordance with section 10(1) of the Basic Education Act (Perusopetuslaki 628/1998), the language of instruction and the language used in extra-curricular teaching shall be either Finnish or Swedish. The language of instruction may also be Saami, Roma or Sign language. Under section 10(4) of the Act, in a separate teaching group or in a separate school, teaching may be given primarily or totally in a language other than those referred to in subsection 1.

According to section 12(2) of the Act, based on the guardian's choice, a pupil may also be taught the Roma language, Sign language or some other language as the mother tongue. Section 16 of the Act lays down provisions on remedial teaching, and section 16(a) gives provisions on enhanced support for a pupil who needs regular support or several support measures simultaneously. Section 17 lays down provisions on special-needs support, which consists of special-needs education and other support provided under the Basic Education Act. Section 18 focuses on special arrangements.

Provisions on teachers' qualifications are laid down in a Government Decree on the competency of the education service staff (Asetus opetustoimen henkilöstön kelpoisuusvaatimuksista 986/1998). Provisions on the competency of special-needs teachers are laid down in section 8 of the Decree. Sing language is not mentioned in it separately. According to section 9 of the Decree, teachers in basic education or primary education must have excellent oral and written knowledge of the language of teaching in the school. If the language of teaching is other than the language of teaching of the school, or if the education applies to education in a school referred to in section 10(4) of the Basic Education Act, a person who masters the language used in teaching may provide the teaching.

The Decree on schools for persons with hearing or visual impairment or restricted mobility (Asetus kuulovammaisten ja näkövammaisten sekä liikuntavammaisten kouluista 724/1984) lays down provisions on the competency of teachers in such special schools. In accordance with the Decree, class teachers, subject teachers or full-time teachers need a special class teacher's qualification for the office.

Under section 20 of the Act on vocational education (Ammatillisesta koulutuksesta annettu laki 630/1998), persons who require special teaching or student welfare services during their vocational studies because of a disability, illness, retarded development, emotional impairment or other reason, are to be given special education.

In accordance with section 38 of the Act, students in special-needs education are entitled to receive school assistant services, other pupil welfare services and special aids. Special provisions have been issued on other services to be arranged for students with disabilities (such as personal assistant and interpretation services, transport and escort services). Financing of vocational education is a part of the financing system of the education and culture service. Funds are granted to cover the costs of vocational basic education and additional education under the Act on financing of education and cultural service (Laki ja asetus opetus- ja kulttuuritoimen rahoituksesta 1705/2009, 1766/2009). The financing is allocated directly to the organisers who will decide about its targeting.

In the recent years, access to education by persons with the most severe disabilities has been promoted significantly by developing the network of organisers of vocational special-needs education and by increasing the intake of students with disabilities. Despite the improvements, there are still some barriers to their access to education especially in the metropolitan region. The problems linked with access to education are not always caused by inadequate supply of education but also by inadequate support, assistance and housing services and by attitude problems.

Provisions on the operation of universities and polytechnics are laid down in the Universities Act (Yliopistolaki 558/2009) and the Polytechnics Act (Ammattikorkeakoululaki 351/2003), which give separate provisions on equality in students' admission. In accordance with section 36 of the Universities Act and section 22 of the Polytechnics Act, the admission criteria applied must be consistent with regard to all applicants. Applicants may be divided into separate groups during selection on the basis of different educational backgrounds, in which case the admission criteria applied must be consistent with regard to applicants belonging to the same group.

Amendments to the Universities Act and the Polytechnics Act concerning revoking and returning the right to study, barriers to student acceptance, drug tests and disciplinary measures, which entered into force at the beginning of 2012, lay down provisions on for example accessibility and the prerequisites of admission. Under section 37(a) of the Universities Act and section 20(a) of the Polytechnics Act, a factor relating to the health and functional capacity of an applicant may not preclude admission.

The objective of the Disability Policy Programme, adopted in 2010 for the years 2010 to 2015, is to secure a fair position for persons with disabilities in society by addressing the problems they experience through concrete corrective and development measures. Under the Disability Policy Programme, studies will be carried out in 2014 and 2015 on special education provided on the basis of disability. The number of students in vocational special training has increased considerably in recent years. In 2010, approximately 20 900 students in basic education received special education. The situation of persons with the most severe disabilities has clearly improved in the recent years thanks to a network of providers of vocational special education and an increasing number of admissions. The increase in the total volume of vocational training (a total of 11 700 new study places in 2008 to 2010) has also promoted access to training by persons whose need for assistance is smaller than that of persons with the most severe disabilities. For reasons of privacy protection, adequate statistical data on special-needs students is not available, for instance, for the evaluation of multiple educations.

The lack of adequate statistical data makes the assessment of the real educational needs difficult.

The data compiled by Statistics Finland only covers students who study in degree programmes. Students in preparatory and rehabilitation training, and instruction for persons with disabilities are not included in the statistics. In 2009, there were 2 536 students in degree programmes in special vocational schools, 906 women and 1630 men. In other vocational schools there were 15 725 special students in degree programmes, 6 459 women and 9 266 men. In vocational upper secondary education and training there were 18 261 special students in degree programmes, 7 365 women and 10 896 men.

Rehabilitation

The purpose of rehabilitation is to help to maintain and improve the rehabilitation client's functional status and work capacity. Various organisations offer rehabilitation services. Clients undergoing rehabilitation measures may also be eligible for income maintenance benefits.

Social Insurance Institution (SII) provides and reimburses both vocational and medical rehabilitation. Rehabilitation benefits are available to individuals who experience a substantial impairment of working or functional capacity or who are at the risk of disability, and whose situation could be helped by means of rehabilitation. This is always an individual assessment.

Vocational rehabilitation is meant for persons whose work and earnings capacity is significantly impaired by an illness, defect or injury, or who are at risk of becoming disabled within the next few years. The insured person under the threat of working incapacity has the legal right to the vocational rehabilitation organised by the Social Insurance Institution. Vocational rehabilitation measures include the following: assessment of rehabilitation need and outlook, work and training try-outs, training designed to maintain and enhance working capacity, by means of which the rehabilitation client can acquire the means to continue in his or her regular job, if work-site and occupational health care measures prove insufficient, job coaching given at a work activity centre or comparable institution, or under special circumstances in an individualized setting, basic vocational training, skills updating or retraining (basic education and instruction leading up to such education or training are part of the rehabilitation process), self-employment assistance and assistive devices for work and study. The purpose of business subsidies in the rehabilitation context is to help self-employed persons and entrepreneurs with an illness or disability to start up a business and to acquire necessary tools and instruments.

SII consider the purpose of the vocational training as being to enable a disabled person to secure, retain and advance in suitable employment. The vocational rehabilitation of SII requires a threat of working incapacity or a substantial decline in the applicant's working capacity because of injury or disease.

In addition SII can provide discretionary rehabilitation or give a reimbursement for the cost of other rehabilitation with funds specially allocated for this purpose in the State budget. These discretionary rehabilitation services are provided in accordance with a yearly plan.

Vocational rehabilitation within the earnings-related pension scheme

The pension providers are responsible for arranging vocational rehabilitation for persons insured under the earnings-related pension acts. The aim of rehabilitation within the earnings-related pension scheme is to promote the staying at or returning to work, thus reducing or at least postponing the need to retire on a disability pension. Vocational rehabilitation includes, for example, workplace rehabilitation and training. It may also include support to start or continue business activities.

Vocational rehabilitation arranged by pension providers takes precedence over the disability pension. The aim is that rehabilitation measures should be started in good time so that the incapacity for work can be prevented, or at least the onset of disability postponed. A person aged less than 63 is entitled to purposeful vocational rehabilitation within the earnings-related pension scheme, if the illness is expected to pose a threat of the person having to retire on a disability pension within about five years.

The pension providers pay the vocational rehabilitation for persons who have participated on a permanent basis in working life. To be eligible for vocational rehabilitation arranged by a pension provider, the insured must have earnings of EUR 32,447.22 (in 2012) for a period of five years prior to the onset of the disability.

When evaluating the purposefulness of rehabilitation, factors that are taken into account are the employee's age, profession, previous activity, education and training, stabilised participation in the labour market as well as whether the vocational rehabilitation applied for is likely to lead to the employee's continuing in work suited to his or her state of health or returning to work. In addition the question whether the vocational rehabilitation will postpone the employee's retirement is considered when evaluating the purposefulness. The mode of rehabilitation is decided by the pension provider on the basis of the rehabilitation plan filed by the applicant.

The pension provider pays a rehabilitation benefit during the rehabilitation period. If the applicant for rehabilitation within the earnings-related pension scheme is not yet drawing a disability pension, he or she is paid rehabilitation allowance for the period of rehabilitation. The rehabilitation allowance amounts to the disability pension increased by 33 per cent.

Partial rehabilitation allowance is paid to a rehabilitee who, while receiving vocational rehabilitation, continues working on a part-time basis. The partial rehabilitation allowance amounts to the partial disability pension increased by 33 per cent.

The recipient of cash rehabilitation benefit, i.e. a temporary disability pension, is paid a rehabilitation increment of 33 per cent on top of the pension for the period of rehabilitation.

5. Detailed information on the measures your Country has adopted to promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business (article 27 (1) (f)).

Business subsidies

The purpose of business subsidies in the rehabilitation context is to help self-employed persons and entrepreneurs with an illness or disability to start up a business and to acquire necessary tools and instruments. If a person already is running a business, he/she can receive subsidy towards acquiring tools and instruments if they are for his/her personal use and if they are essential for him/her to perform the work.

Before granting a subsidy, Kela evaluates whether the work and business activity is suitable in light of the current illness. Also evaluated are the professional skills and the outlook of the business to remain profitable. The amount of subsidy granted is determined on grounds what is necessary and reasonable. The subsidy can cover up to 80% of the projected costs and can be up to EUR 17,000.

6. Information on the measures adopted by your country to ensure that reasonable accommodation is provided to persons with disabilities in order to facilitate access to or continuance of employment (articles 5 (3) and 27 (1) (i)).

The Land use and building act (Maankäyttö- ja rakennuslaki 132/1999) states that a building and its surroundings must, in so far as its use requires, be suitable also for people whose capacity to move or function is limited. The Land use and building decree (Maankäyttö- ja rakennusasetus 895/1999) provides further regulations to ensure accessibility in different types of buildings, both public and residential. The Finnish Building Code lays out technical regulations and guidelines which supplement the Land use and building act. Local authorities are responsible for land use planning and building supervision.

The State supports the housing of special groups, such as persons with disabilities and the homeless, with interest subsidies loans taken out to finance the construction, renovation and acquisition of social rented housing for special groups, with a supplementary grant of up to 50% of the investment, depending on the needed support. These subsidies may be granted to local authorities, other public sector organisations and non-profit organisations, or to limited companies and housing companies under their control. Special attention is paid to monitoring of the quality of housing. (Act on Interest Subsidy for Rental Housing Loans and Right of Occupancy Housing Loans, laki vuokra-asuntolainojen ja asumisoikeustalolainojen korkotuesta 604/2001), (Act on Subsidies for Improving the Housing Conditions of Special Groups, laki avustuksista erityisryhmien asunto-olojen parantamiseksi 1281/2004).

In January 2010, the Finnish Government issued a Decision in principle on a programme to organize housing and related services for people with intellectual disabilities in 2010–2015. The goal is to provide persons with intellectual disabilities individual housing solutions in regular housing environments and to reinforce their inclusion and equal treatment in the community and society. This is achieved by producing various types of state-financed housing to satisfy the needs of persons with intellectual disabilities and by offering individual services and support. Special attention is paid to monitoring of the quality of housing and the services and support given to them.

The Rescue Act (Pelastuslaki 379/2011) entered into force on 1 July 2011. The purpose of the Act is to improve the safety of people and to reduce the number of accidents, and also to ensure that when there is the threat of an accident or when an accident has occurred, people are rescued, important functions are secured, and the consequences of the accident are successfully limited.

According to section 18 of the Rescue Act, the operators of hospitals, care homes for the elderly and other institutional care facilities, closed penal institutions and other comparable sites (care institutions), and service and supported housing organised in the form of housing units and other comparable residential buildings and facilities housing residents whose functional capacity is lower than normal (service and supported housing) shall, by using reports and plans drawn up in advance and by taking measures based on them, ensure that the residents and the persons being treated are, in the event of a fire or other dangerous situation, able to leave the building safely either on their own or with assistance. The operator above means the municipality or other body governed by public law that is responsible for the maintenance of a care institution and for the organisation of service and supported housing. The operator also means a company or other organisation that, on the basis of an agreement with a municipality or other body governed by public law or otherwise, is responsible for the maintenance of a care institution or the organisation of service and supported housing.

- 7. Information on measures your country has to protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances (article 27 (1) (b)).**

The Non-Discrimination Act (21/2004) lays down provisions on the prohibition of discrimination on the basis of a disability. The prohibition applies, for example, to conditions for access to self-employment or means of livelihood, support for business activities, grounds of recruitment, employment and working conditions, personnel training, promotion and membership of or involvement in an employee organisation. Under section 6 of the Act, discrimination means direct and indirect discrimination, harassment, and an instruction or order to discriminate. According to section 5 of the Act, the person commissioning work shall, where necessary, take any reasonable steps to help a person with disabilities to gain access to work, to cope at work and to advance in their career.

Section 2 of the Occupational Safety and Health Act (Työturvallisuuslaki 738/2002) lays down provisions on the employer's general responsibilities. Under section 8(1) of the Act, the employer must take care of the safety and health of their employees while at work by taking the necessary measures. For this purpose, employers shall consider the circumstances related to work, working conditions and other aspects of the working environment as well as the employees' personal capacities. Disability is a factor that is linked with an employee's personal capacities and, based on the above-mentioned provision, the employer must take it into account in the planning of tasks and the working environment so that the person with disabilities can work safely. In addition, in accordance with section 10 of the Act, when identifying and analysing risks at work, the employer must take into account employees' personal capacities to perform their tasks. In the design of the working environment, the employer must take into consideration section 12(2) of the Act, which provides that the employer must ensure that the conditions under design meet the requirements laid down in the Act. In the arrangements, attention must be paid, as required, to persons with disabilities and other employees whose performance and health and safety otherwise call for special measures.

Through the YES Project, coordinated by the Ministry of the Interior, various measures for the promotion of equality of persons with disabilities have been implemented. Examples of completed measures include an empowerment programme aimed at disability organisations as well as a guidebook for employers on the employment of persons with disabilities or persons with limited capability for work.

- 8. Detailed information on the poverty reduction measures, social security and income-maintenance schemes that your country has developed to provide adequate income support to persons with disabilities who, owing to disability or disability-related factors, have lost or received a reduction in their income from employment (including self-employment) or have been denied employment opportunities (article 28 (2) (b) and (e)).**

Social welfare and health care services

In Finland, the organisation of social welfare and health care services is premised on the provisions of the Social Welfare Act (Sosiaalihoitolaki 710/1982), according to which persons with disabilities get their services as part of the general service system. Special services are provided to persons with disabilities in accordance with the Act on services and support for the disabled (Laki vammaisuuden perusteella järjestettävistä palveluista ja tukitoimista 380/1987), the Act on special care for persons with intellectual disabilities (Laki kehitysvammaisten erityishuollosta 519/1977), and the Act on interpretation services for deaf-blind, hard of hearing people and persons with a speech disorder (Laki vammaisten henkilöiden tulkkauspalvelusta 133/2919). According to these Acts, severely disabled persons have a subjective right to for example the following services: transportation services, service housing, daily activities, personal assistance, and alterations and aids and equipment in housing. In this connection a subjective right means that the municipality must provide the service as soon as the criteria set out in the legislation are fulfilled irrespective of the financial situation of the municipality.

According to the Disability Benefits Act (Laki vammaisetuuksista 570/2007), a disability allowance can be paid for adults over 16, who have a disability or a chronic illness. The purpose of disability benefits is to strengthen the autonomy of persons with disabilities or long-term illnesses and improve the quality of life.

Discrimination on the grounds of disability and health, among other reasons, is prohibited under the Non-Discrimination Act. Discrimination on the grounds of sex is prohibited under the Act on Equality between Men and Women.

In Finland public sickness and disability cash benefits compensating for incapacity for work consist of two main benefit types: sickness allowances and disability pensions. In addition, persons undergoing medical or vocational rehabilitation may be eligible for rehabilitation benefits.

Sickness allowances

The National Health Insurance (NHI) is the main provider of sickness allowances compensating for loss of income due to temporary incapacity for work. In case of certain special injuries and damages the compensation is paid under the Employment Accident Insurance Act, the Third-Party Motor Insurance Act or the Military Injuries Act. The prerequisite for entitlement to all types of sickness benefits in Finland is that the functional incapacity is linked to a medical health problem.

Employers have statutory responsibility for covering the initial period of sickness absence. After this statutory period, stipulated in the Contracts of Employment Act, benefits are provided under national health insurance. Collective bargaining agreements often prescribe longer periods of continued pay during illness. During this period daily allowances under NHI are normally paid to the employer.

Not only the loss of income from gainful employment due to illness-related incapacity for work but even a certain kind of unpaid work is covered giving entitlement to a minimum daily allowance after the incapacity for work has continued for at least 55 calendar days. For wage and salary earners, the waiting period for health insurance benefits normally corresponds to the above mentioned statutory employer-covered period, i.e. the onset day and the following nine working days. For unemployed people moving from unemployment allowance to the sickness allowance no waiting period is applied. Agricultural and other entrepreneurs may be entitled to an allowance from their pension provider for part of the NHI waiting period.

The sickness allowance under NHI is intended to provide income security during incapacity for work lasting less than one year or during the first year of incapacity before retirement on a disability pension. It is paid to employed and self-employed persons aged 16–67 who because of work incapacity due to an illness are prevented from carrying out their regular job or a comparable gainful activity for a maximum of 300 weekdays (incl. Saturdays).

Partial sickness allowance was introduced into the Finnish system in 2007. Partial benefit may be paid to employees or self-employed people who have been on sick leave for at least 10 days and who return to work part-time. The purpose of the amendment is to facilitate return to work after a sickness leave. Following the period of prolonged sick leave, employees have the chance to return to work on a part-time basis and to receive part-time sickness benefit in addition to their earnings.

Income maintenance during rehabilitation

Rehabilitation allowance

Clients undergoing rehabilitation measures may be eligible for income maintenance benefits. Rehabilitation allowances, paid by The Social Insurance Institution (SII) and the earnings-related pension scheme, are the main benefit systems providing income maintenance during rehabilitation. In case accidents and diseases covered by the laws on Industrial Accident Insurance, Motor Insurance, Military Injuries and Military Accidents the income maintenance is covered by these special laws.

The earnings-related pension scheme pays rehabilitation allowance to an insured who is working but who is threatened by incapacity for work due to illness and for whom the pension provider arranges vocational rehabilitation. Rehabilitation allowance may be granted as partial benefit amounting to half of the full allowance in case the insured person during rehabilitation earns more than half of the stabilized earnings. Discretionary rehabilitation assistance may be granted to the amount of the disability pension for the periods between the rehabilitation periods.

SII provides income maintenance during rehabilitation for the rest of working age population who are not covered by the above-mentioned laws. A cash benefit called rehabilitation allowance is paid for the duration of rehabilitation which requires absence from regular work. The rehabilitation allowance is paid in connection with rehabilitation services arranged by SII, or by the primary health care, social services or occupational health care sector. The following benefits are available: the rehabilitation allowance proper, the means-tested rehabilitation assistance payable during the post-rehabilitation period, and the maintenance allowance (also means-tested). The rehabilitation must also be aimed at helping the rehabilitation client enter, re-enter or remain in employment. Rehabilitation allowance is paid for each weekday in the rehabilitation period, except for a fixed waiting period. If a person is receiving sickness allowance while rehabilitation is initiated and the client begins to draw rehabilitation allowance, payment of the sickness allowance ends. Rehabilitation allowance is thus at least the amount of sickness allowance and during vocational rehabilitation it is higher than sickness allowance.

Young people between 16-19 years of age are eligible for a rehabilitation allowance, if their ability to work or their possibility to choose a profession is impeded by their condition so that they need intensified work ability evaluation or rehabilitation. Eligibility for the allowance requires that the young person has had a personal training and rehabilitation plan drawn up for them together with, for instance, their local health centre. The aim of the allowance is to guarantee that a young person receives vocational rehabilitation and support for studying and employment. The rehabilitation allowance for young people aged 16–19 is payable at a fixed rate.

Unemployment benefit

Finland has a comprehensive income support system for persons with disabilities who have lost or received a reduction in their income from employment or have been denied employment opportunities. Primarily these persons are entitled to receive a sickness benefit for the first year and after that a disability pension. If the processing of the disability pension is pending or the right to pension is denied, the applicant is entitled to receive an unemployment benefit.

Disability pensions

Income compensation for disability lasting for less than one year is paid by the Social Insurance Institution in the form of a sickness allowance. When the disability (caused by illness, handicap or injury) which has reduced the person's work ability lasts for at least one year, the loss of income is compensated with a cash rehabilitation benefit or a disability pension. The Finnish statutory pension programme comprises a residence-based national pension scheme, which includes guarantee pension, and an employment-based earnings-related pension scheme. In addition, pension benefits are also paid according to the acts on workers' compensation, motor liability and military accidents. The purpose of the national pension and guarantee pension is to

guarantee an adequate minimum pension income, and the earnings-related scheme is intended to maintain the level of consumption attained by employees and self-employed. The pension schemes are integrated and when statutory earnings-related pension exceeds a given limit, no national pension or guarantee pension is paid.

The national pension scheme covers all persons who are permanently resident in Finland, and the statutory earnings-related pension scheme covers all public and private sector employees as well as self-employed persons and farmers. Every employment contract and all periods of self-employment increase the individual's pension entitlement. For employees, entitlement to the statutory earnings-related pension is not subject to a qualifying period. Self-employed persons must have completed a period of self-employment of at least four months. From the year 2005, earnings-related pension rights have also accrued for certain unpaid periods.

In the national pension scheme, disability pension may be granted to persons aged 16 to 64. Permanently blind persons and persons without mobile activity are always considered disabled for work. In the earnings-related pension scheme, disability pension may be granted to persons aged 18 to 62. At the age of 63 the disability pension is changed to an old age pension. In both schemes disability pension is granted to an insured person who has lost his/her work capacity either through illness from which incapacity is estimated to last for at least one year, or due to permanent defect or injury. Besides medical factors the person's earnings capacity through such available work that he or she can manage reasonably well when considering his or her education, earlier activity, age, place of residence and other comparable factors, is taken into account.

To receive a disability pension under the earnings-related system, you must have lost at least 3/5 of your working capacity (2/5 for partial disability pension). Under the national pension scheme the requirement is loss of working capacity with at least 3/5 (no partial pension is paid). From the age of 60, more lenient criteria are applied to disability pension. Persons under 20 years of age cannot receive a pension until their rehabilitation prospects have been assessed. The disability pension is in general paid after the person has received sickness benefit for a period of about 300 days.

In both pension schemes disability pension can be granted for a specified period or indefinitely. The temporary disability pension (called cash rehabilitation benefit or rehabilitation subsidy) is paid to a person who is disabled for work but whose handicap or illness is expected to improve through treatment or rehabilitation. Thus, granting a temporary disability pension always requires a treatment or rehabilitation plan. Before granting the disability pension, the pension provider has to make sure that the applicant's prospects of rehabilitation have been investigated.

The disability pension in the earnings-related pension scheme consists of the pension accrued during the insured's work history and the pension component for the projected pensionable service. The pension component for the projected pensionable service is generally determined on the basis of wages and salaries in the five years preceding the occurrence of the risk (reference period). The partial disability pension is 50% of the full disability pension. The earnings-related disability pension benefit of a person who has become incapable of work before the age of 50 is increased by a lump sum when the pension has continued for five years. The increase is higher the younger a person was when retiring on a disability pension.

In the national pension scheme, the amount of benefits depends on the duration of residence in Finland, marital status and the amount of other pensions generated through employment. The full amount is paid if the person has resided in Finland for 80% of the time after reaching the age of 16 and before the pension starts. Otherwise, the pension is adjusted to the length of residence. Above a certain ceiling, the pension amount is reduced by 50% of the amount of the statutory earnings-related pension and other Finnish and foreign pensions.

All disability pension recipients may be entitled to a housing allowance and pensioners' care allowance.

9. Information on efforts that your country has undertaken to ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others (article 27 (1) (c)).

Persons with disabilities have equal rights to be members in trade union organizations as well as be active in trade union organizations.

10. Information on the measures adopted by your country to closely consult with and actively involve persons with disabilities and their representative organisations in the development, implementation and monitoring of legislation and policies to promote and protect access to employment opportunities for persons with disabilities (articles 4 (3) and 33 (3)).

In Finland the ratification process of the UNCRPD is on-going. The Ministry for Foreign Affairs has in May 2011 set up a working group to prepare the ratification of the UNCRPD and its optional protocol. In this working group there is a wide representation of governmental sectors involved in the implementation of the UNCRPD as well as particularly strong participation of the NGOs and DPOs and their experts.

In the Finnish legislative process it is a general practice to gather the relevant stakeholders' (inclusive the relevant NGOs') opinions of the proposed legislation before it is passed on the Parliament.

11. Recent statistical data on the number of persons with disabilities employed in the public sector, disaggregated on the basis of age, sex and type of disability (article 31).

There are no statistical data in Finland as identifiable as required. However, the estimated number of persons with disabilities in the working age is around 300 000 in Finland. The persons with disabilities are the unused power of the labour market: it is estimated that 15 000 – 30 000 persons with disabilities outside the labour market could be part of it. Unemployment amongst the persons with disabilities is more common in Europe than unemployment amongst other groups of people. In Finland there approximately 70 000 persons with disabilities who are fully capable of working, only 60 per cent of which are employed. Approximately one third of the persons with disabilities have excellent or good working capacity and approximately half of the persons with disabilities are willing and able to work. Around 1 000 persons with disabilities who have higher degree education are outside the labour market.

12. Is your country involved in international cooperation programmes related to the promotion of work and employment opportunities for persons with disabilities? Please describe the ways the programmes are inclusive of and accessible to persons with disabilities (article 32).

Finland is involved, as a sponsor and as a board member, in the UN Partnership for the Rights of Persons with Disabilities (UNPCRPD) which is formed as cooperation of, amongst others, ILO, UNDP, UNICEF and WHO. The Trust Fund of the UNPCRPD finances projects dealing with the rights of persons with disabilities mainly at the country level. These include projects

promoting the employment of persons with disabilities, as for example in Costa Rica the implementation of the national plan for Labour Inclusion of Persons with Disabilities.

Finland finances the ILO project Promoting Decent Work in Central Asia and Southern Caucasus. Part of the project is for example in Armenia customizing of work places for persons with disabilities according to the specific needs of current workers with disabilities.

Finland also finances the NGOs' and DPOs' projects which include promoting the employment of persons with disabilities.