

Enforcement of non-discrimination and prohibition of discrimination in working life in 2024

Report

Summary

The occupational safety and health (OSH) authority enforces non-discrimination in working life: prohibition of discrimination, prohibition of discriminatory job advertisements and employer's obligation to promote equality. The OSH authority enforces compliance with the Non-Discrimination Act at the request of the parties that have experienced discrimination and at the initiative of the authorities. This report describes the findings of inspections carried out in 2024.

In 2024, the OSH authority received approximately 630 contacts concerning work discrimination. Most of the contacts related to work discrimination involved requests for advice on how to deal with the matter at the workplace or the party contacting the authorities wanted to discuss whether a case involved discrimination or not.

The OSH authority processed 186 enforcement requests related to discrimination. A total of 109 inspections were carried out on the basis of the enforcement requests, and these involved the enforcement of discrimination experienced by individual employees or jobseekers. In approximately one third of the inspections, it was found that the employer had violated the prohibition of discrimination.

Most of the inspections concerned discrimination experienced on the basis of health. The second highest number of inspections due to discrimination were based on discrimination due to other personal characteristics. Discrimination related to origin, nationality or language was the third most common reason for inspections.

Compliance with the prohibition of discrimination in connection with the termination of the employment relationship was assessed in nearly half of the inspections. Just over 40% of the inspections related to discrimination during an employment relationship and approximately ten per cent concerned recruit-

ment. In most cases, the employee felt that grounds for discrimination had led to changes in work tasks, assignment of shifts or terms of employment. A small number of inspections assessed whether harassment related to the grounds for discrimination had taken place at the workplace. In a small number of cases, the employer's obligation to make reasonable accommodation enabling the work was also assessed.

The largest number of obligations arising from non-compliance with the prohibition of discrimination were imposed on the grounds for discrimination experienced on the basis of health. They were followed by discrimination experienced on the basis of other personal characteristics, origin or nationality. The largest number of obligations were imposed on the basis of discrimination experienced in connection with the termination of an employment relationship.

Some of the discrimination in working life remains hidden as various minority groups may have a high threshold to contact the authorities and report the discrimination they experience. The OSH authority receives only a small number of contacts on discrimination experienced on the basis of sexual orientation, religion or belief, and for this reason, there have also been few inspections related to such experiences.

The OSH authority also enforces the rules against discrimination through spot checks. In 2024, equality plans and the employer's obligation to promote equality were the focus in 117 inspections. Five inspections focused on discriminatory job advertisements.

We enforced the prohibition of discrimination related to the use of foreign labour during 760 inspections. Discrimination based on origin, language or nationality was observed in the payment of wages or other minimum terms of employment in 7.5% of the inspections.

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1. The OSH authority enforces non-discrimination in employment

The occupational safety and health (OSH) authority is responsible for enforcing compliance with the Non-Discrimination Act (1325/2014) in working life. The Non-Discrimination Act contains provisions on the prohibition of discrimination, prohibition of discriminatory job advertisements and employer's obligation to promote equality.

The OSH authority enforces compliance with the non-discrimination legislation at the request of the parties that have experienced discrimination and at the initiative of the authorities. We assess discrimination on the basis of the grounds for discrimination defined in the Non-Discrimination Act:

- age
- origin
- nationality
- language
- religion
- belief
- opinion
- political activity
- trade union activity
- family relationships
- state of health
- disability
- sexual orientation
- other personal characteristics.

In 2024, we carried out 109 client-initiated inspections and approximately 880 authority-initiated inspections to assess compliance with the prohibition of discrimination.

The enforcement measures are determined in accordance with the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006). The enforcement procedures are described in the guideline [Enforcement of equality and non-discrimination \(in Finnish\)](#).

This report describes how the OSH authority enforced compliance with the Non-Discrimination Act in 2024. The report describes both client-initiated and authority-initiated enforcement and illus-

The OSH authority operates as an independent supervisory authority. The OSH Divisions of the Regional State Administrative Agencies act as the OSH authorities in Finland, supervising compliance with the OSH regulations in their respective areas. In this report, the OSH Divisions are referred to as the OSH authority.

Actions by the OSH authority based on contacts:

- guidance and advice for parties that have experienced discrimination
- assessment of prerequisites for enforcement
- enforcement measures based on enforcement requests.

The OSH authority supervises compliance with the non-discrimination provisions at the initiative of the authorities in the following areas:

- payment of wages and other minimum terms of employment, especially in the supervision of the use of foreign labour
- discriminatory job advertisements
- employer's obligation to promote equality and prepare an equality plan.

trates enforcement with real-life case studies. The report also describes the role of the OSH authority in the processing of work discrimination offences.

Information on enforcement carried out in 2023 can be found in the report [Enforcement of non-discrimination and prohibition of discrimination in working life in 2023](#) (Tyosuojelu.fi).

Provisions on the prohibition of discrimination based on gender are laid down in the Act on Equality between Women and Men (609/1986). Discrimination based on gender, pregnancy and parenthood is supervised by the Ombudsman for Equality.

2. Client-initiated enforcement

2.1 Contacts concerning discrimination

Client-initiated enforcement usually starts off with the jobseeker or employee who suspects discrimination contacting the OSH authority. Clients can contact divisions by phone, email or letter.

In 2024, approximately 630 contacts related to work discrimination were processed. In reality, the number of contacts is higher as a contact related to discrimination may also be recorded in the systems under other categories. Contacts related to discrimination are often complex and they may also involve other labour law issues.

At the telephone service of the OSH authority, an inspector specialised in discrimination provides guidance and advice to persons who suspect discrimination on their matter and instructions on submitting a possible enforcement request. The person contacting the service may not always be able to assess whether they have been discriminated against and they will want to discuss the matter with an expert

- **Approximately 630** contacts related to work discrimination.
- **Approximately 210** enforcement requests related to work discrimination.
- **Approximately 110** inspections related to work discrimination carried out on the basis of enforcement requests.

before bringing up their experiences of discrimination at the workplace. During a phone call to the telephone service, the inspector and the person making the call can discuss whether the case involves discrimination referred to in the Non-Discrimination Act or something else.

Client contacts and enforcement requests concerning the prohibition of discrimination in 2021–2024 (number)

■ Contacts ■ Pending enforcement requests

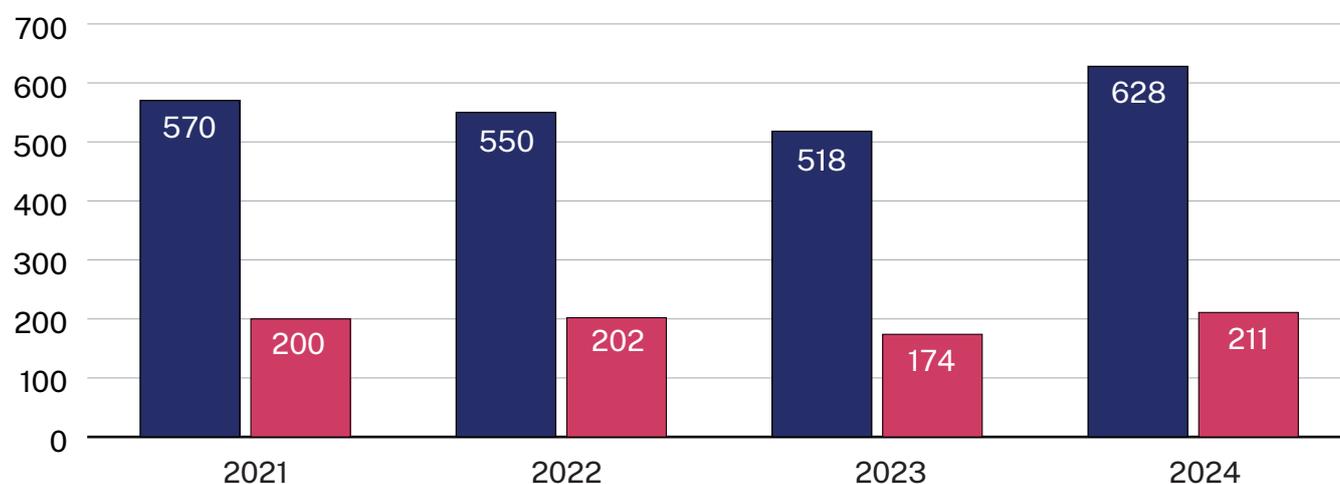


Figure 1. Client contacts and enforcement requests concerning the prohibition of discrimination in 2021–2024.

Most of the persons contacting the service are jobseekers or employees. Contacts are also received from occupational safety and health representatives and shop stewards. Typically, they want to know whether a matter that has been brought up at their workplace could involve discrimination and how to proceed in the matter. Parties outside the workplace, such as Victim Support Finland, other authorities or the family and friends of a person suspecting discrimination, may also contact the divisions. The OSH authority receives most of the contacts concerning discrimination by phone.

Occasionally, the person contacting the authorities in discrimination matters does not want the authorities to take enforcement measures in their name. Reasons for this include fear of stigmatisation or negative consequences at the workplace. This primarily applies to certain minority groups, such as sexual minorities, Roma people or persons with disabilities who may have a higher threshold to request enforcement measures in their case. The phenomenon shows

that some of the work discrimination remains hidden.

The OSH authority is also regularly contacted in cases where despite the client's own assessment, there is no discrimination referred to in the Non-Discrimination Act. The person contacting the division may feel discriminated against but the case does not involve grounds for discrimination referred to in act. However, instead of discrimination, the matter may involve harassment prohibited by the Occupational Safety and Health Act or other matters under the enforcement of the OSH authority.

Who contacted the OSH authorities about discrimination in 2024

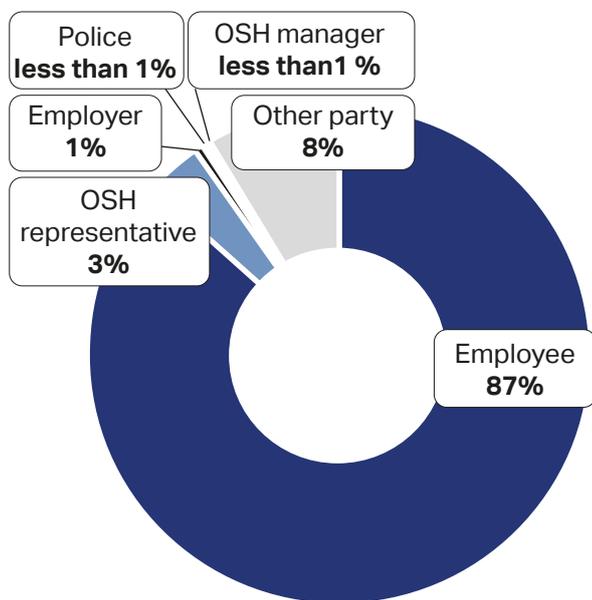


Figure 2. Persons who contacted the OSH authority about discrimination in 2024.

Contacts by sector (TOL 2008)	Pcs
Health and social services (Q)	106
Industry (C)	55
Wholesale and retail (G)	52
Hotel and restaurant sector (I)	50
Public administration and national defence (O)	43
Administrative and support services (N)	42
Instruction and training (P)	42
Other service activities (S)	35
Construction (F)	34
Real estate operations (L)	24
Transport and warehousing (H)	22
Professional, scientific and technical activities (M)	19
Information and communication (J)	17
Arts, entertainment and recreation (R)	12
Electricity, gas and heat supply, refrigeration business (D)	6
Agriculture, forestry and fisheries (A)	5
Financing and insurance activities (K)	5
Water supply, sewerage and wastewater management, waste management etc. (E)	1
Unspecified sector	57
Total	628

2.2 Cases of discrimination processed at the initiative of the client

In 2024, a total of 211 enforcement requests related to discrimination were initiated. The OSH authority processed 186 enforcement requests related to discrimination. This was slightly more than in 2023 (Figure 3). Some of the pending enforcement requests will be processed during the following year.

Normally, a discrimination matter is initiated on an enforcement request form, in which the client agrees that the OSH authority can process the matter in the client's name and the client's employer can be contacted in the matter.

In 2024, the OSH authority processed 186 enforcement requests. A total of 109 inspections were carried out on the basis of these requests. A procedural decision was made in 77 cases.

Processing of enforcement requests in 2021–2024

■ Processed enforcement requests ■ Inspections ■ Procedural decisions
 ■ Obligations imposed due to violation of prohibition of discrimination

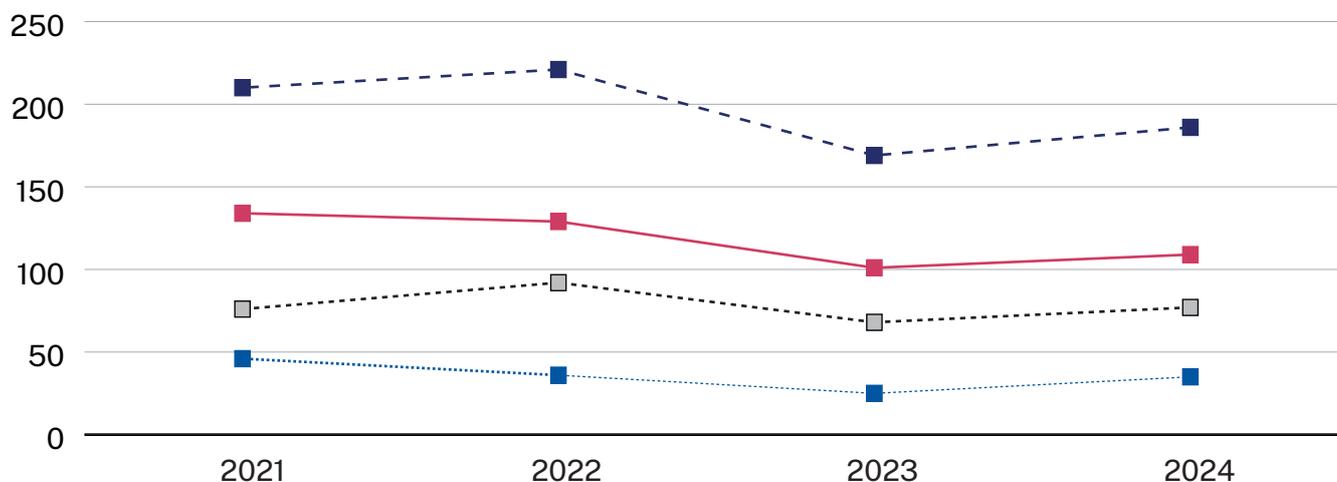


Figure 3. Enforcement requests processed, inspections carried out on the basis of enforcement requests and the obligations imposed on their basis for violating the prohibition of discrimination, and procedural decisions in 2021–2024 (total number).

In the enforcement request, the client details their understanding of the grounds for discrimination on the basis of which they suspect they have been discriminated against. Clients may report several grounds for discrimination if they are unsure of the reason for the discrimination or if they suspect that they have been discriminated against in several different ways.

The most common grounds for discrimination reported in the enforcement requests have remained the same in recent years. The largest number of experiences of discrimination reported to the OSH authority are related to health.

Figure 4 shows on what grounds the clients have experienced discrimination in the cases processed during 2024. More than one third (37,5%) of the enforcement requests processed concerned health. Approximately two thirds of these requests concerned situations in which the employer had terminated an employment relationship and the employee suspected that this had been due to their sick leave or other health issues.

These were closely followed by cases in which the client experienced discrimination on the basis of other personal characteristics (approximately 35% of the cases processed). In most of these cases, the employee had highlighted deficiencies in their working conditions or demanded their rights. The number of processed enforcement requests concerning other personal characteristics was slightly higher than in the year before. The third most common issue in 2024

was discrimination experienced on the basis of origin, nationality or language, for which the number of processed cases remained at previous year's levels.

The smallest number of enforcement requests processed by the authorities involved religion, belief and sexual orientation.

The enforcement requests submitted to the OSH authority do not give a comprehensive picture of the prevalence of discrimination in working life or which groups experience the most discrimination in working life.

Discrimination cases initiated in this process often involve other laws enforced by the OSH authority, such as the Employment Contracts Act, Working Hours Act, Occupational Safety and Health Act and the Occupational Health Care Act. In addition to discrimination, the parties experiencing discrimination sometimes also mention harassment or other inappropriate treatment that endangers an employee's health, or other inappropriate treatment or excessive workload, which are prohibited under the Occupational Safety and Health Act. In many cases, a discrimination matter also involves the employer's obligations related to the payment of wages or termination of an employment relationship specified in the Employment Contracts Act. The party submitting the enforcement request is not always aware of what is meant by discrimination in the law and reports other irregularities that they have experienced as discrimination.

Grounds of discrimination reported by clients in enforcement requests in 2024

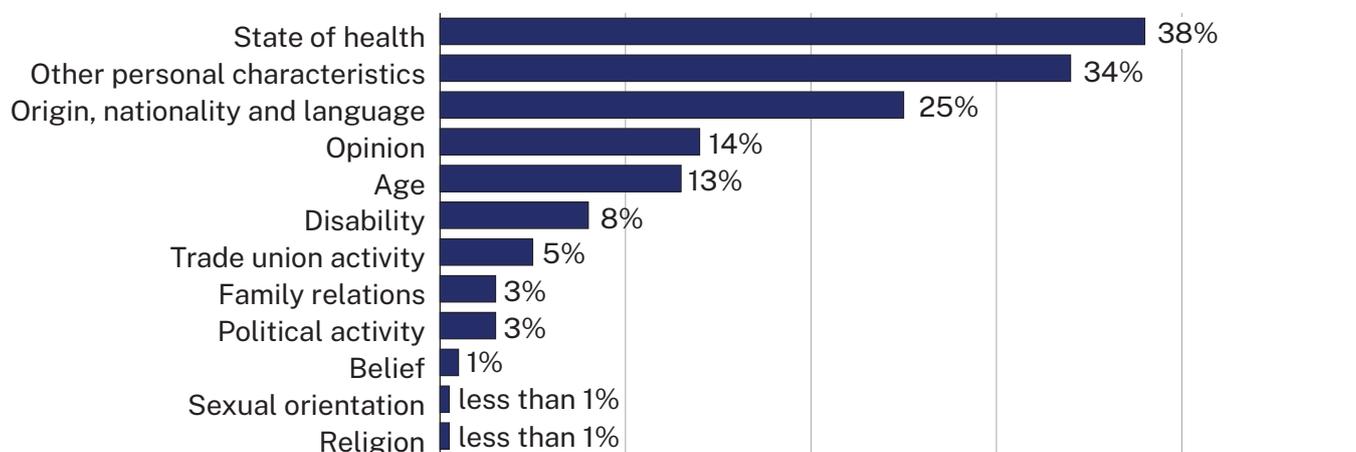


Figure 4. Grounds for discrimination reported by clients who submitted an enforcement request in the cases processed in 2024. Several grounds for discrimination may be listed in one enforcement request.

2.3 Procedural decisions

When an enforcement request concerning discrimination is initiated, it is first assessed whether the case involves discrimination prohibited under the Non-Discrimination Act. If necessary, additional information is requested from the client so that the preconditions for enforcement can be determined.

If, on the basis of the matters raised by the client, there is no reason to suspect that the employer has violated the Non-Discrimination Act, a procedural decision will be made on the matter. The procedural decision lists the reasons why the OSH authority will not take measures to investigate discrimination that the party requesting enforcement asked for.

In 2024, a total of 77 procedural decisions were made that found that a request for the enforcement of discrimination would not lead to enforcement measures. Approximately one quarter of the cases concluded with a procedural decision concerned the termination of an employment relationship. Approximately one fifth of the procedural decisions concerned the organisation of work tasks, shifts or working conditions and another fifth involved recruitment issues.

The most common reason why enforcement measures were not taken was that the information provided by the person submitting the enforcement request failed to indicate that this person had been placed in a less favourable position in the manner referred to in the Non-Discrimination Act. In some cases, the employee had been poorly treated at the workplace or felt that the changes planned by the employer at the workplace were discrimination. A subjective experience of discrimination by the person submitting the enforcement request alone is not sufficient to create a suspicion of discrimination and will not lead to enforcement.

The second most common reason for a procedural decision was that, based on the information supplied by the client, it was obvious that the less favourable position the client encountered could not be due to the grounds for discrimination reported by the client. Such a situation occurs if, for example, the grounds for discrimination arising from an employee are not known to the employer at all, or the employer is only informed of the grounds for discrimination after, for example, the decision to dismiss the employee has been made.

Approximately one fifth of the procedural deci-

In pending cases, the client's case is always assessed. If, on the basis of the points raised by the client, there is no reason to suspect that the employer has violated the Non-Discrimination Act, a procedural decision is made on the matter.

In 2024, a total of 77 procedural decisions were made in which it was found that a request for the enforcement of discrimination would not lead to enforcement measures.

sions were made because no grounds for discrimination specified in the Non-Discrimination Act were presented in the case. For example, in a typical situation, the person submitting the enforcement request felt that they had been discriminated against on the basis of an opinion but it was not stated in the enforcement request that this was an opinion referred to in the Non-Discrimination Act. Opinion as referred to in the Non-Discrimination Act means such matters as a person's political and societal opinions and views. Discrimination on the basis of an opinion is essentially related to the freedom of expression safeguarded by the Constitution of Finland.

Approximately one fifth of the procedural decisions were made on the grounds that, despite the inspector's requests, the client failed to provide additional information necessary for the assessment of the case, did not consent to the processing of the matter under the client's name or cancelled the enforcement request before the enforcement began.

In a small number of cases, no enforcement measures were taken because the case was outside the purview of the OSH authority or the discrimination case was already being considered by the Non-Discrimination Ombudsman. The OSH authority also received a small number of reports on suspected discrimination related to gender and parenthood. However, these do not involve the family relations referred to in the Non-Discrimination Act but concern gender-based discrimination as defined in the Equality Act. Enforcement requests related to gender-based discrimination are transferred to the Ombudsman for Equality.

2.4 Inspections based on enforcement requests

Enforcement is initiated on the basis of an enforcement request, if the information provided by the client gives reason to suspect that the employer has violated the Non-Discrimination Act.

In the case of an individual employee or jobseeker, the inspection is usually carried out on the basis of documents. The inspector sends a request for clarification to the employer asking for more information in the matter concerning the person who believes that they have experienced discrimination. After the employer's response has arrived, the person that has experienced discrimination will be given a chance to present their views on the information submitted by the employer. Once the inspector has been provided sufficient information to resolve the case, the inspector will prepare a written inspection report assessing whether the employer has violated the prohibition of discrimination.

A shared burden of proof applies to the enforcement of the prohibition of discrimination referred to in the Non-Discrimination Act. The employee or jobseeker must first present information to the authorities on the discrimination they have experienced. If, on the basis of this information, it can be assumed that the employer has violated the prohibition of discrimination or victimisation, a presumption of discrimination will arise. In order to rebut the presumption, the

employer must demonstrate that it has not violated the prohibition of discrimination. The shared burden of proof aims to promote the effective realisation of rights as providing evidence in cases of discrimination may be more difficult than usual.

In 2024, a total of 109 inspections were carried out on the basis of the enforcement requests to monitor compliance with the prohibition of discrimination.

Figure 5 shows the grounds addressed during the inspections. More than one ground for discrimination was assessed in approximately 40% of the inspections. This usually means that multiple or intersectional discrimination has taken place. Multiple discrimination occurs if a person is discriminated against on two or more grounds. The most common grounds for discrimination in multiple discrimination were other personal characteristics and state of health. Intersectional discrimination, on the other hand, concerns cases in which two grounds for discrimination only together lead to discrimination against a person.

In recent years, the enforcement requests submitted to the OSH authority have also included cases in which the client has detailed several separate discrimination situations and grounds for discrimination. In such cases, several grounds for discrimination have been discussed in the inspection report but they have not necessarily involved multiple or intersectional discrimination.

Grounds of discrimination in inspections carried out on the basis of enforcement requests in 2024

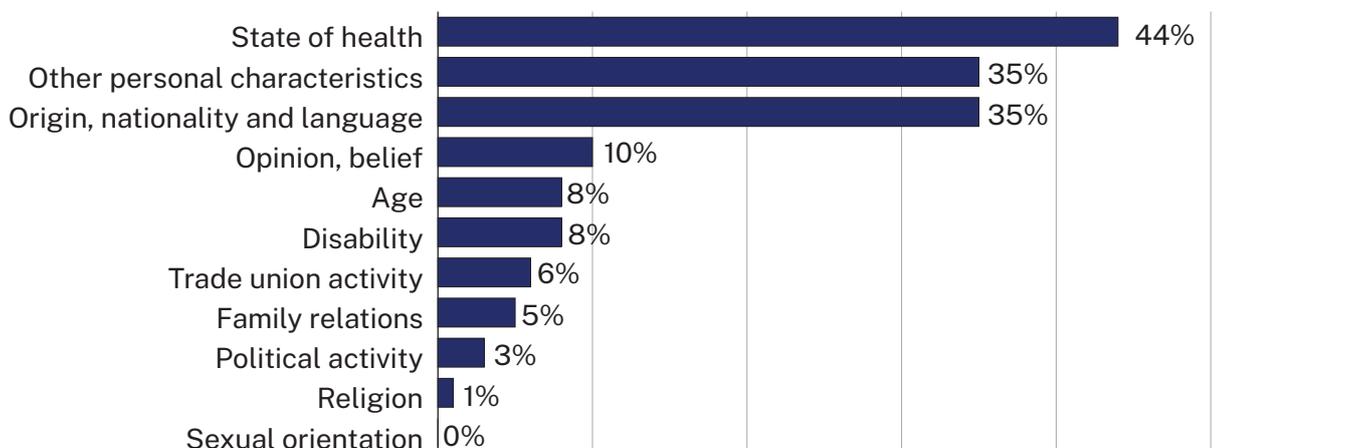


Figure 5. Grounds for discrimination in inspections carried out on the basis of enforcement requests in 2024. One inspection may have addressed several different grounds for discrimination.

Slightly less than half of the inspections carried out on the basis of enforcement requests concerned discrimination on the basis of health. Health remains by far the most common ground for discrimination in the inspections carried out on the basis of enforcement requests, even though the number of health-related inspections has decreased slightly in the past few years.

Other personal characteristics were the second most common ground for discrimination considered in the inspections based on the enforcement requests.

Other personal characteristics usually involved highlighting deficiencies at the workplace or demanding one's rights. In many cases, the person submitting the enforcement request felt that the deficiencies they had brought up at the workplace had prompted the employer to change their work tasks or select them for dismissal. In a small number of cases concerning other personal characteristics, the grounds for discrimination were related to the legal status, appearance or the role of the person as an occupational safety and health representative.

Grounds for discrimination in the inspections carried out on the basis of enforcement requests in 2021–2024 (number)

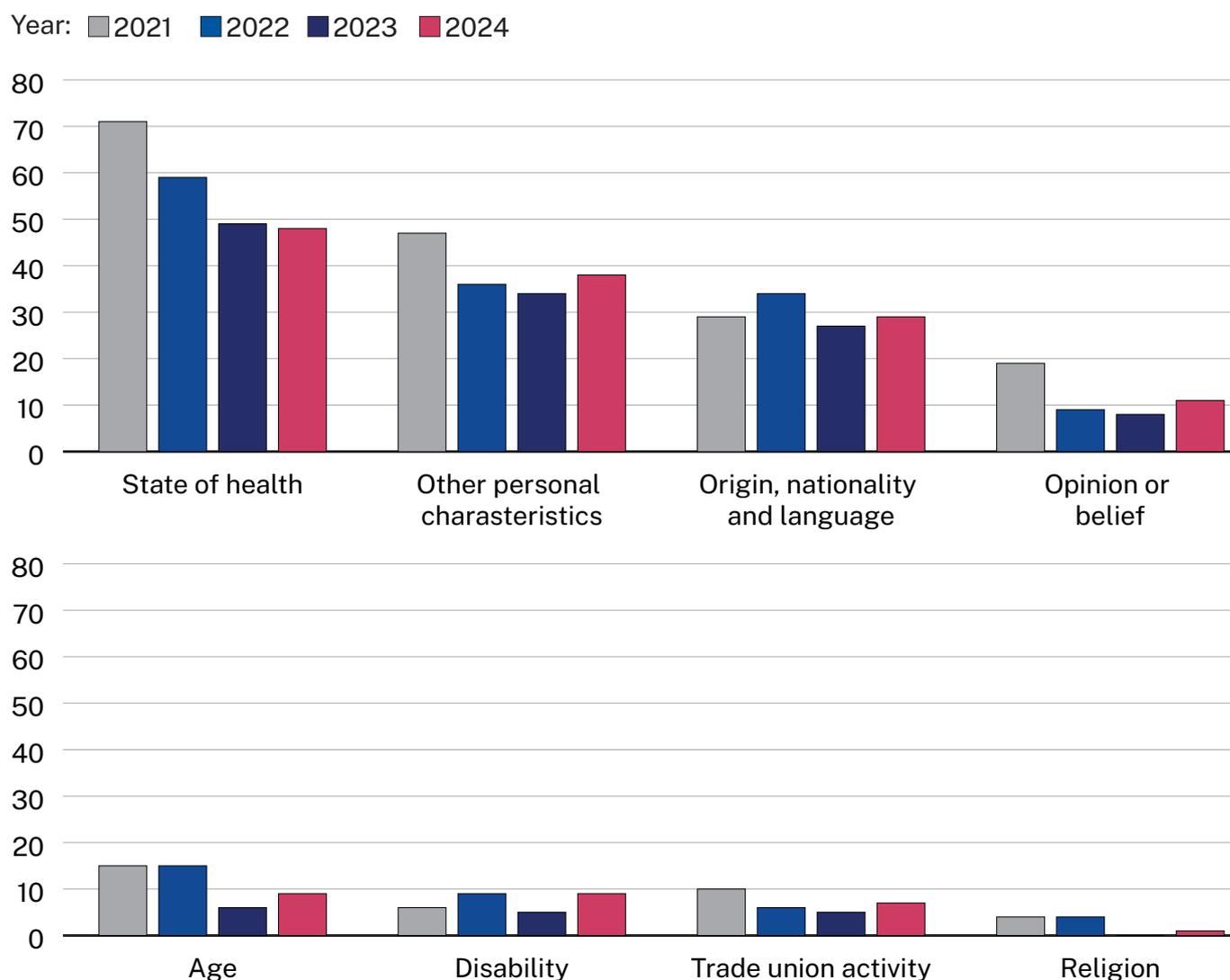


Figure 6. Grounds for discrimination in inspections carried out on the basis of enforcement requests in recent years. One inspection may have addressed several different grounds for discrimination.

The discriminatory treatment addressed in slightly fewer than half of the inspections carried out in 2024 was related to termination of an employment relationship. In approximately half of the cases related to termination of an employment relationship, discrimination was assessed on the basis of health. Other personal characteristics were the second most common ground for discrimination in the assessments concerning the termination of employment relationships. Some of the cases involved multiple discrimination, which means that other grounds for discrimination were addressed in the same case in addition to state of health.

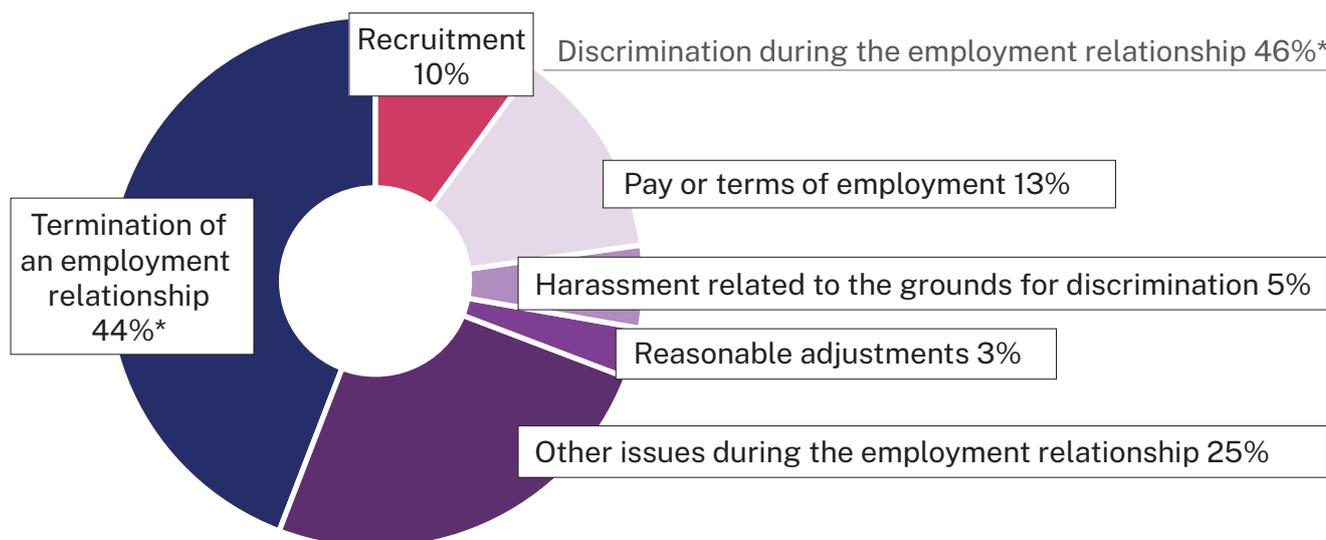
Discrimination during the employment relationship was assessed in slightly less than half of the inspections. In most cases, the employee felt that grounds for discrimination had led to changes in such matters as work tasks, pay or other terms of employment. A small number of inspections assessed whether harassment related to the grounds for discrimination specified in the Non-Discrimination Act had taken place. Harassment was usually related to the employee's origin, nationality or language. Discrimination related to the terms of employment was also usually experienced on the basis of origin, nationality or language. A small number of inspections concerning the

employer's obligation to make reasonable accommodation to ensure the equality of persons with disabilities were also carried out during 2024.

Just over 10% of the inspections carried out on the basis of enforcement requests concerned discrimination in recruitment. Origin, nationality or language were the most common grounds for discrimination reported in the inspections related to recruitment. The number of enforcement requests arising from recruitment and, consequently, the number of inspections concerning them has been lower in recent years compared to discrimination in other stages of employment relationships.

Cases in which compliance with the prohibition of discrimination must be assessed from several different perspectives in the same inspection have become slightly more common in the enforcement carried out by the OSH authority. Typically, the client has experienced discrimination in several different situations, such as pay and termination of an employment relationship. In such cases, the different discrimination situations highlighted by the client often involve different grounds for discrimination. In such cases, several different grounds for discrimination and several discrimination situations or forms of discrimination are assessed in one inspection.

Manifestation of discrimination at different stages of the employment relationship in 2024



* Some of the inspections covered both discrimination during the employment relationship and discrimination related to the termination of an employment relationship.

Figure 7. Discrimination related to recruitment that occurs during employment or is related to the termination of employment in inspections in 2024. Discrimination during employment is divided into the following areas: pay or terms of employment, harassment related to the grounds for discrimination, reasonable adjustments and other discrimination during employment.

The OSH authority also enforces the prohibition of discrimination in temporary agency work. In temporary agency work, compliance with the prohibition of discrimination is enforced on a case-by-case basis by supervising the private employment agency or the user company where the employee works. In some cases, enforcement is carried out at both companies, which means that one enforcement request may lead to more than one inspection.

2.5 Conclusions drawn from inspections

In approximately one third of the inspections, it was found that the employer had violated the prohibition of discrimination. A total of 32 pieces of written advice and three improvement notices were issued to the employers on the basis of the deficiencies identified during the inspections.

The highest number of obligations concerning violations of the prohibition of discrimination were issued on the basis of health. They were followed by origin, nationality or language and other personal characteristics. Approximately half of the obligations concerned neglecting the prohibition of discrimination in connection with the termination of an employment relationship. In most cases, the employment relationship was terminated for health reasons or because the employee had demanded their rights or highlighted deficiencies at their workplace. Slightly fewer than one third of the obligations concerned discrimination during the employment relationship. Discrimination during an employment relationship usually involved changing an employee's work tasks, temporary lay-offs, or harassment specified in the Non-Discrimination Act. One fifth of the obligations imposed concerned discrimination in the employee's pay or terms of employment. A small number of obligations also concerned discrimination in recruitment. Approximately half of the obligations concerned more than one ground for discrimination, and some of the obligations concerned several separate discrimination situations.

In nearly half of the inspections, the employer was able to demonstrate that the employee had not been discriminated against. In approximately 20% of the inspections, the conclusion was that the case did not involve any factors on the basis of which it could have been assumed that the employer had violated the prohibition of discrimination. In fewer than ten per cent of the inspections, it was found that the differ-

Other observed shortcomings

In connection with the supervision of compliance with non-discrimination legislation, the OSH authority also supervises compliance with other aspects of labour legislation and intervenes if other deficiencies in labour legislation are identified. Inspections carried out on the basis of suspected discrimination revealed a number of other deficiencies in the activities of employers, due to which written advice or improvement notices were issued to employers.

In 2024, a total of 65 obligations were imposed for other deficiencies concerning compliance with labour legislation in connection with discrimination cases. In some cases, it was found that the employer had violated both the prohibition of discrimination and other labour legislation, while deficiencies other than discrimination were identified in other cases.

The largest number of obligations imposed under other legislation concerned supervisors' duties specified in the Occupational Safety and Health Act, harassment or other inappropriate treatment. Most of the obligations imposed under the Employment Contracts Act concerned employer's right to set off, payment of wages, and other terms of employment as well as the hearing of employees. A small number of obligations concerning employer's duties under the Working Hours Act, provision of occupational healthcare or occupational healthcare practices were also imposed.

ent treatment by the employer was justified under the Non-Discrimination Act.

In addition to the conclusion that the prohibition of discrimination had been violated, the inspections carried out on the basis of enforcement requests also resulted in the imposing of a few obligations arising from the failure of the employer to promote equality or to prepare an equality plan. In a small number of cases, the employer had prepared an equality plan but it was not in accordance with the law.

In connection with the inspection report, the client is also provided information on how to apply for compensation or damages under the Non-Discrimination Act. The client is also informed of how the Non-Discrimination Ombudsman can promote a resolution and assist a victim of discrimination.

Case study descriptions:***Jobseeker was not recruited because of a family member***

The jobseeker had applied for a summer job at the employer for which a family member of the jobseeker worked. The employer stated that the recruitment process could not be continued because a family member of the jobseeker worked in the same shop where summer workers would be needed during the summer season. The case gave rise to a presumption of discrimination on the basis of family relations.

The employer admitted that the recruitment process was stopped because a family member of the jobseeker worked in the shop to which new employees were being selected. The employer's view was that the jobseeker could have been suited for the summer worker's position in question. However, after the matter had been investigated, the employer had identified a deficiency in its recruitment guidelines. After an occupational safety and health inspection, the employer corrected its recruitment guidelines and practices so that the applicant's family status will no longer affect the person's progress in the recruitment process or selection. It was concluded in the inspection that the employer had put the jobseeker in a less favourable position on the basis of family relations and thus violated the prohibition of discrimination.

The employer failed to pay wages, joked about the employee's nationality and terminated the employment relationship

A foreign employee said that they had worked approximately ten-hour shifts at their workplace six days a week. Some of the shifts were at night. According to the employee, they had been paid once a week in cash. The pay received by the employee was considerably lower than what should have been paid to the employee in accordance with the universally binding collective agreement applicable to the sector. A presumption of discrimination on the grounds of origin and nationality was found to have been established.

It was concluded in the inspection that the employee's demand for statutory pay was directly linked to the termination of the employment relationship. The employer had also frequently told racist and inappropriate jokes about the employee's nationality at the workplace in the presence of other employees. Moreover, the employer had sent the employee insulting picture messages by phone, in which the employer joked about the employee's nationality and origin. The employer did not submit any information rebutting the presumption of discrimination. Based on the available information, the inspection found that the employer had terminated the employee's employment relationship because the employee had demanded that the wages should be paid correctly. The employer was also considered to have behaved offensively towards the employee in matters concerning the employee's origin and nationality and thus committed harassment related to the grounds for discrimination. In the inspection report, the employer was issued written advice on violating the prohibition of discrimination.

Employer took action after receiving reports on harassment between employees

According to an employee, several other employees had spoken inappropriately about the employee's origin, nationality and religion. For example, other employees had spoken derisively about the employee's origin and talked about the religion of the employee and of family members in a disrespectful manner. According to the employee, one of the supervisors at the workplace had been present in a situation where other employees had spoken derisively about the employee's origin and nationality. The employee had taken sick leave shortly after these incidents.

Based on the issues highlighted by the employee, the inspection found that the employee had experienced offensive behaviour related to the grounds for discrimination referred to in the Non-Discrimination Act, and this had created a degrading or humiliating, intimidating, hostile or offensive atmosphere towards the person at the workplace. According to the employer, the employer had only been informed of the behaviour towards the employee after the employee had taken sick leave. According to the employer, the behaviour described by the employee violated the guidelines issued by the employer. After receiving information on the offensive behaviour experienced by the employee, the employer had started to investigate the matter at the workplace. The employer was unable to determine whether the supervisor present in the situation had heard or noticed the derisive speech targeting the employee as the person in question was no longer employed by the employer when the investigation was carried out. According to the investigation carried out by the employer, the accounts of the parties involved did not match. In addition to investigating the matter, the employer reminded the entire personnel of correct behaviour at the workplace and organised training to prevent dis-

crimination and harassment.

The employee was still on sick leave at the time of the inspection, and thus the employer had only limited opportunities to ensure that the offensive behaviour at the workplace had ended. The inspection found that even though the employee had experienced harassment related to the grounds for discrimination, the employer had nevertheless taken the measures available to it to eliminate the harassment. Consequently, the view was that the employer had not violated the prohibition of discrimination.

Dismissing employees because of their age was discrimination

An employee suspected that they had been dismissed on the basis of their age. The employer terminated the employee's employment relationship on production-related and financial grounds. According to the employee, at the conclusion of the co-operation negotiations at the workplace, the employer only dismissed the oldest employees at the workplace. The view was that the case gave rise to a presumption of discrimination on the grounds of age.

According to the employer, as part of the change negotiations a role was defined for the employees on the basis of which the dismissals were carried out. The inspection revealed that only the oldest employees at the workplace had been assigned to the roles in which the dismissals took place. The employer tried to deny the presumption of discrimination by referring to the employee's poor profitability in projects but the information provided by the employer was found to contain discrepancies in this respect. The inspector found that the information submitted by the employer failed to rebut the presumption of discrimination and as a result, the employer was given written advice on violation of the prohibition of discrimination on the basis of age.

The employer misled foreign employees into becoming light entrepreneurs

The contractors said that they had believed that they were in a contractual employment relationship and felt that the employer had misled them into working as light entrepreneurs. The employer had intentionally failed to pay some of the agreed compensations. In the contractors' view, the employer had taken advantage of the fact that the contractors did not understand Finnish and because they were foreigners they were not familiar with the Finnish labour legislation and employees' rights.

The contractors suspected that the employer had put them in a less favourable position on the basis of their origin, nationality and language compared to the manner in which employees are usually treated in the labour market. The inspection found that the characteristics of the employment relationship specified in the Employment Contracts Act were met in the legal relationships between the contractors and the employer. Therefore the contractors were considered to have been in an employment relationship with the employer. According to the employer, the contractors only received part of their compensation because their workmanship did not meet the contractual requirements and the employer's expectations.

The employer had to compensate clients for the damage caused by the incorrect workmanship and for this reason, the contractors' compensation had not been fully paid.

With regard to the contractors' terms of employment, the inspection found that the compensation paid to them did not correspond to the wage provisions laid down in the universally binding collective agreement applicable to the sector. All contractors also told that they did not have the opportunity to select the contract that would apply to them or negotiate about its terms. The inspection found that being foreigners and possessing no language skills, the employees have been in a weak position in the Finnish labour market. This may have prompted the employer to conclude a light entrepreneur contract with them instead of a normal employment contract. The employer was considered to have placed the contractors in a less favourable position on the basis of their origin, nationality and language when the employer had concluded with the contractors a light entrepreneur contract specifying less favourable terms of employment than those generally observed in the sector. The report prepared by the employer in the matter failed to rebut the presumption of discrimination in the matter and as a result, the employer was considered to have violated the prohibition of discrimination.

Changing work tasks on the basis of health was discrimination

The employer had transferred the employee to other work tasks based on the employee's sick leave. According to the employee, they had worked for several years in tasks where some of the shifts were at night. The employee was entitled to a night work supplement when working in night shifts. After the change in work tasks, the employee only worked during daytime. According to the employee, the end of night work led to a substantial loss of earnings. According to the employer, the purpose of the change in work tasks was to support the employee's work ability and to reduce sick leaves. According to the employer, an additional reason was that in many cases, the employee had only informed the employer of their illness shortly before the start of the shift. According to the employee, the matter was not discussed with them before the transfer, and such matters as their work ability were not checked with occupational healthcare before the employee was transferred to another position.

The employer has denied that it had discriminated against the employee and noted that the decision to reassign the employee to another work task has been based on the employer's supervisory powers. The employee noted that they had reported the sick leaves as soon as they knew that they would have sick leave and immediately submitted all sick leave certificates to the employer as required. The employee said that they did not always know that they would get sick leave when

seeing a doctor. Instead, they had gone to a doctor to apply for a prescription, for example.

Based on the information submitted by the employer, it remained unclear to what extent the employee had, in the employer's view, failed to comply with the guidelines on reporting sick leave. The employer also tried to prove that treating the employee differently on the basis of health was justified. According to the information submitted by the employer, the aim was to assign the employee to physically less demanding and less stressful work because the employee's sickness absences were related to musculoskeletal disorders. According to the employer, the purpose was to support the employee's work ability and reduce sick leaves. However, according to the employee, musculoskeletal disorders were not the only reason for the sickness absences. The employer's decision to transfer the employee to another work task had thus not been based on the actual and decisive requirements of the work tasks because the employer did not have an up-to-date view of the occupational healthcare on the employee's health and actual work ability in relation to the work task in question. The employer was considered to have violated the prohibition of discrimination.

Discrimination may be based on a presumption or actual grounds for discrimination. Presumption-based discrimination is also prohibited.

The employer had assigned work to Ukrainian employees on their days off and failed to pay the wages in full

The information submitted by the Ukrainian employees showed that the employer had assigned substantially more work to them than would be permitted within the framework of their regular working hours, and the employer had failed to pay for all the hours worked by the employees. The information provided by the employees also showed that the employees had not always been able to have their weekly rest periods. Moreover, the employer had not paid any overtime remuneration or Sunday increment to the employees.

Based on the information submitted by the employees, it could be assumed that the origin and nationality of the employees had prompted the employer to require the employees to work longer-than-usual days, not to pay the wages in full and not to provide weekly rest periods specified in the Working Hours Act and the collective agreement.

The employer did not submit any information rebutting the presumption of discrimination or presented justifying grounds for different treatment under the law. The employer was considered to have put the employees in a less favourable position on the basis of their nationality and origin. As the employer was unable to rebut the presumption of discrimination, the employer was considered to have violated the prohibition of discrimination when repeatedly requiring the employees to work excessively long working days and failing to pay wages.

Termination of employment relationship on the basis of health was justified

The employee suspected that the employer had violated the prohibition of discrimination by terminating their employment relationship on the basis of health. The employee had had an accident, and had therefore been on sick leave for more than a year before the end of the employment relationship. The employee had been rehabilitated in occupational healthcare in several different ways to restore their ability to work.

In the employee's view, the employer did not offer them any replacement work instead of terminating the employment relationship. According to the information submitted by the employer, the employee's work ability had been assessed in several occupational healthcare discussions before the employment relationship was terminated. According to the employer, efforts had been made to adapt the employee's work task and work arrangements in accordance with their work ability, for example by means of working hour arrangements and by providing the employee with an opportunity to work remotely but these support measures had proved ineffective. The employer had also examined possible alternative work tasks for the employee but concluded that the employee could not be placed in these tasks either as the support measures already offered to the employee had proved ineffective.

The inspection found that the employee's work ability had decreased substantially and on a long-term basis. The employer had also investigated and offered various support measures to enable the employee to work and to avoid dismissal. The inspection found that even though the employee's employment relationship had been terminated on the basis of health, the employer had justifying grounds for different treatment under the Non-Discrimination Act. Consequently, the view was that the employer had not violated the prohibition of discrimination.

3. Supervisory activities at the initiative of the authorities

3.1 Pay-related discrimination and discrimination in other minimum terms of employment

The OSH authority takes active measures to ensure that employers comply with Finnish labour legislation. Focus in the supervision is on the treatment of foreign employees. Purpose of the inspections of the use of foreign labour is to check whether the wages paid to foreign employees are in accordance with the law and the collective agreement and whether other minimum terms of employment are complied with.

The inspections of the use of foreign labour focusing on the terms of employment cover the principal terms of employment, shift rosters, working hour records and payslips. In these inspections, the inspectors check whether employees have been treated less favourably on the basis of their origin, nationality or language. The information obtained is compared to Finnish employees at the same workplace or to how employees in a similar position should be treated in the labour market under the law.

In 2024, the OSH authority enforced the prohibition of discrimination in pay and other minimum terms of employment in approximately 760 inspections initiated by the authorities.

Most of the inspections were carried out in companies domiciled in Finland. Compliance with the prohibition of discrimination was enforced in approximately 60 inspections at workplaces where employees did seasonal work. Seasonal work refers to the sectors covered by the Seasonal Workers Act (such as seasonal agriculture and tourism sectors). Work discrimination was observed in 7.5% of the Finnish companies inspected.

Compliance with the prohibition of discrimination was also enforced during 107 inspections in compa-

The OSH authority provides instructions and advice to employers and disseminates information to employees on the terms of employment laid down in the law and the collective agreements.

In the work against labour exploitation, the role of cooperation between the authorities and the exchange of information has increased.

nies posting foreign workers to Finland. The employer was issued with an obligation to comply with the prohibition of discrimination in approximately 15% of the inspections.

The most common deficiency concerned underpayment. The wages paid to foreign employees were often lower than the wages specified in the collective agreement, and they did not receive any compensation for overtime or pay supplements.

Although deficiencies concerning pay are revealed on a regular basis, proving discrimination may be difficult, for example due to incomplete working hour records. The OSH authority may take action if underpayment occurs in connection with discrimination by requesting that the employer corrects any pay-related deficiencies observed during the inspection. If the employer fails to comply with the improvement notice, the OSH authority may oblige the employer to correct the pay-related deficiencies at the risk of a fine.

Examples of discrimination that emerged during the supervision of the use of foreign labour in 2024:

Case study: Construction workers removing asbestos

A number of foreign employees worked at construction sites carrying out demolition work, including asbestos removal. Most of the employees were qualified for asbestos removal work. The inspector had asked the contracting parties to the collective agreement applicable to the work to state in which pay category the employees carrying out asbestos removal work should be placed. Based on the view expressed by the contracting parties, the inspector concluded that the hourly pay of the employees was substantially below what should have been paid under the collective agreement for the construction sector.

The inspection resulted in a presumption of discrimination on the basis of nationality as the employees had been treated less favourably in pay than employees in a similar position are usually treated in the labour market. The inspector had heard the employer on the presumption of discrimination but the employer did not provide any explanation to rebut the presumption of discrimination. The employer had informed the inspector that the wages would be increased. The inspector concluded that the employer violated the prohibition of discrimination when specifying the terms of employment and when paying wages.

During the inspection, the employer was obliged to correct the incomplete working hour records and pay the wages specified in the collective agreement. During the follow-up inspection, the inspector noted that the employer had corrected the employees' pay, which was now at the level specified in the collective agreement.

Case study: Work performed in a car repair shop

All employees of the company were foreign citizens who had not been paid in accordance with the universally binding collective agreement for automotive sales and repairs. According to the

presumption of discrimination that arose in the case, the employees at the workplace had been treated less favourably in pay than employees in the repair shop sector in general. The inspector found several pay-related deficiencies at the workplace. For example, the employees had not received any Sunday increment, the adjustment bonus specified in the collective agreement or any payment for years of pensionable service. Some of the employees had not received any overtime remuneration or compensation for work performed during weekly rest periods.

The employer was heard on the presumption of discrimination. The employer confirmed that it had not paid the above-mentioned compensations claiming that it had been unaware that it should have paid double pay for Sunday work. With regard to overtime, the employer pointed out that all overtime worked had been compensated for but some of the employees had wanted to work more and it had been agreed that they would receive normal pay (without overtime remuneration). The inspector concluded that the employer had given its tacit approval for work performed in excess of regular working hours and that this was work for which an overtime remuneration should have been paid. In its response, the employer did not mention any issues that would have rebutted the presumption of discrimination. The inspection found that on the basis of the above factors, the employer had treated foreign employees less favourably than employees in the repair shop sector in general. Under the law, it is of no consequence whether it was the employer's intent to discriminate against its employees if the terms of employment can objectively be seen as discriminatory.

During the inspection, other deficiencies were also observed, on the basis of which obligations were imposed on the employer. The employer was obliged to pay wages in accordance with the collective agreement. No shift roster had been drawn up at the workplace, and the principal terms of employment were only partially available. The employer had not kept records of foreign employees' right to work in the manner required under the Aliens Act. The employer was also given instructions on how overtime is determined.

Case study: Drivers posted to Finland

The employees worked in bilateral transport of goods by road regularly carried out by an Estonian company between Finland and Sweden. The inspection was carried out by requesting documents from the employer via the European Internal Market Information System (IMI). The pay of the posted drivers had fallen substantially below the minimum level specified in the collective agreement for the trucking sector. It was found that the hours worked by the drivers according to their payslips did not correspond to the hours entered in the driving time and rest period data. The actual hours worked were considerably higher than the recorded hours and the monthly wages paid on their basis. The driving time and rest period data showed that the drivers had worked on Sundays but that no compensation had been paid for the work performed on Sundays and other public holidays. Moreover, the employees had not received any compensation for the hours entitling them to supplements.

According to the presumption of discrimination established in the case, the employer had treated the employees less favourably due to their nationality than employees in the sector are normally treated in Finland. The employer justified the different treatment of foreign employees by saying that the employer pays higher wages when the employees work outside Estonia. The employer also stated that it would be happy to accept guidelines and instructions. The explanation did not rebut the presumption of discrimination. It was concluded in the inspection that the employer had treated posted workers significantly less favourably with regard to the agreed terms of employment and pay compared to the way in which employees in the trucking sector in Finland are or should be treated.

In addition to pay, the inspection revealed deficiencies in the recording of working hours. The employer was obliged to pay wages in accordance with the universally binding collective agreement and to keep working hour records for all hours worked by individual employees in Finland and the compensation paid to them.

3.2 Prohibition of discriminatory job advertisements

Job advertisements may not unlawfully require applicants to have personal characteristics or matters referred to in the Non-Discrimination Act. The OSH authority receives contacts and inquiries about discriminatory job advertisements every year. When enforcing discriminatory job advertisements, the inspector determines whether requiring a characteristic or a matter mentioned in the job advertisement is justified under the Non-Discrimination Act from the perspective of performing the task.

In 2024, the OSH authority carried out five inspections concerning discriminatory job advertisements. Two of the inspections revealed that the employer had violated the prohibition of discriminatory job advertisements. The prohibition of discriminatory job advertisements was violated because the advertisement required a sales representative to be 35 years old and a restaurant worker was required to speak Finnish as their mother tongue. The inspections were carried out on the basis of a written report. In their responses, the employers cited ignorance, human error or the fact that someone else had drawn up the job advertisement. In some of the inspections, the employer was found to have justifying grounds under the Non-Discrimination Act for requiring the employee to possess a specific personal characteristic in the work task.

3.3 Employer's obligation to promote equality

Every employer has an obligation to promote equality in their activities. This means both active measures to prevent discrimination as well as supporting those at risk of discrimination or those at a disadvantage with regard to equality or taking steps to improve their status.

Under the Non-Discrimination Act, the employer must assess from the perspective of the grounds for discrimination referred to in the Non-Discrimination Act how equality is realised in recruitment and at the workplace. After this, the employer must, taking into account the needs of the workplace, develop the working conditions and operating methods that it follows in recruitment and other decisions concerning personnel. Employers that regularly employ at least 30 employees must also draw up an equality plan, i.e. a plan for the necessary measures to promote equality. The plan does not have a specific format. What is important is that it includes the practical measures needed to achieve genuine equality at the workplace.

Measures promoting equality can be considered concrete means and actions that the employer uses to improve, maintain and develop the equality situation at the workplace. Measures to promote equality can be diverse, complementary and gradual. The equality situation at the workplace must be reviewed at regular intervals in accordance as specified in the equality plan. In that case, the employer can make changes to the planned and already implemented measures promoting equality.

During an occupational safety and health inspection, the inspector determines whether the employer has assessed and promoted the implementation of equality in recruitment and at the workplace. When carrying out the assessment, the inspector examines how the employer has taken different grounds for discrimination into account. At a workplace with at least 30 employees, the inspector determines whether the employer has a plan for the necessary measures to promote equality.

Under the Non-Discrimination Act, the employer must assess, giving consideration to different grounds for discrimination, how equality is realised in recruitment and at the workplace. Promoting equality is a continuous process and part of the workplace's regular occupational safety and health development activities.

Employers that regularly employ at least 30 employees must also draw up an equality plan, i.e. a plan for the necessary measures to promote equality.

In 2024, the OSH authority carried out 117 inspections at the initiative of the authorities to enforce the employer's obligation to assess and promote equality and draw up an equality plan.

Just over one third of the inspections were carried out in the hotel and restaurant sector, one third in the retail sector and one quarter in the cleaning sector. Enforcement was also carried out in the event and film sector.

In nearly 60% of the inspections, it was found that the employer's actions to assess and promote equality were insufficient. It was quite common that when assessing equality, the employer had not considered all necessary grounds for discrimination. It was found in approximately one third of the inspections that the equality plan drawn up for the workplace met the statutory requirements. However, in approximately half of the inspections, it was found that the equality plan should be improved. It was quite common that the equality plan did not cover the grounds for discrimination specified in the Non-Discrimination Act or did not contain concrete measures to promote equality.

The inspections found that many workplaces wanted to act correctly. Employers did not always have sufficient information on how equality at the workplace should be assessed. The assessment must cover all working conditions and operating methods that are followed in recruitment and personnel decisions. When carrying out the assessment, the employer must consider whether the working conditions and workplace procedures are non-discriminatory from the perspective of different groups at risk of discrimination. When assessing equality, the employer must review its procedures at least in recruitment, assignment of tasks, decisions on access to training, and decisions on pay and benefits related to employment relationships, and when determining obligations related to work and employment relationships. The question of which grounds for discrimination are relevant at the workplace must be addressed with the personnel or their representatives.

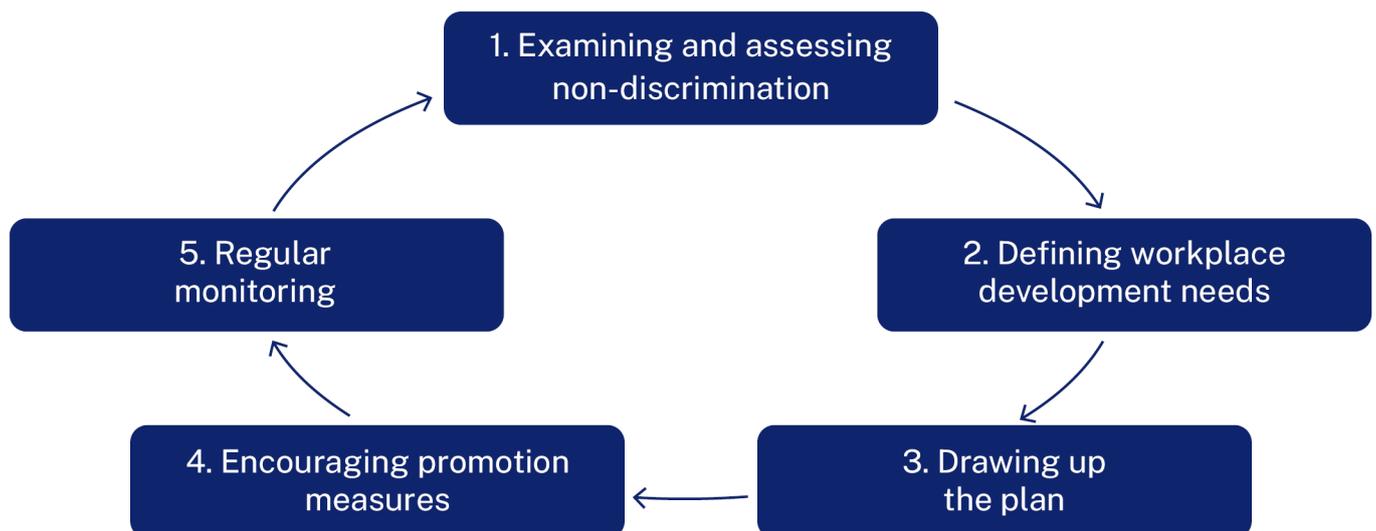
Even if the workplace did not have a statutory obligation to draw up an equality plan, the employer must nevertheless promote equality. According to the enforcement findings, the equality plans often contained good objectives to promote equality. How-

More information on drawing up an equality plan and concrete measures to promote equality:

- [Promoting equality](#) (OSH Administration)
- [Equality planning](#) (Non-Discrimination Ombudsman)
- [Premises and stages of planning](#) (Ministry of Justice website Yhdenvertaisuus.fi)
- [Diversity, equality and non-discrimination in the work community](#) (Centre for Occupational Safety)
- [How to promote diversity in recruitment?](#) (Finnish Institute of Occupational Health)
- [Handbook on working towards equal inclusion of persons with disabilities in working life \(in Finnish\)](#) (Non-Discrimination Ombudsman and the Human Rights Centre)

ever, the actual concrete action plan is often too vague. During inspections information was provided to workplaces on the promotion of equality and equality planning.

Measures to promote equality



4. Work discrimination as an offence

4.1 The OSH authority reports suspected offences to the police

Under the Occupational Safety and Health Enforcement Act, the OSH authority is obliged to submit a report to the police if there are likely grounds for suspecting a work discrimination offence. However, there is no need to file a notification to the police if the act can be considered minor in view of the circumstances and public interest does not require the notification to be submitted.

The wording of the definition of an work discrimination offence laid down in the Criminal Code differs from the wording of the provision on discrimination laid down in the Non-Discrimination Act. Meeting the criteria for work discrimination offences are assessed separately by comparing the facts of an enforced case to the distinctive characteristics of a work discrimination offence.

In 2024, the OSH authority filed 34 pre-trial investigation reports of suspected work discrimination offences with the police. Of these, nine were related to extortion-like work discrimination.

Grounds for discrimination in pre-trial investigation notifications in 2024:

- National or ethnic origin, nationality, language: 25
- Trade union or political activity: 2
- Union activities or equivalent: 2

An employer or a representative of an employer who, when advertising for a vacancy or selecting an employee or during an employment relationship, without a serious and acceptable reason, puts a job applicant or an employee in a unfavourable position

1) on the basis of his or her race, national or ethnic origin, nationality, colour, language, sex, age, family relations, sexual orientation, genetic inheritance, disability or state of health, or

2) on the basis of his or her religion, societal opinion, political or vocational activities or another comparable circumstance,

shall be sentenced for work discrimination to a fine or to imprisonment for at most six months.

Chapter 47, section 3 of the Criminal Code

The OSH authority's reporting obligation also applies to gender-based discrimination, even though its enforcement is the responsibility of the Ombudsman for Equality.

In 2024, the OSH authority reported two work discrimination offences involving discrimination on the basis of gender.

4.2 The OSH authority participates in the investigation and legal proceedings of work discrimination offences

The OSH authority acts as an independent expert at different stages of the processing of cases involving work discrimination. On the basis of the OSH Enforcement Act, the OSH authority participates in the investigation of work discrimination offences and, on the basis of the pre-trial investigation material collected by the police, issues an opinion before the conclusion of the consideration of charges after the prosecutor has reserved an opportunity to do so. When cases of work discrimination are dealt with orally in courts, the OSH authority has the right to be present and to speak in the capacity of the authority to be heard.

The OSH authority provides information on the most important decisions concerning offences at the workplace. Press releases can be ordered through the STT press release service (sttinfo.fi). The press releases are also published in the OSH Administration's online service [Tyosuojelu.fi](https://tyosuojelu.fi).

The following bulletins on offences concerning work discrimination were published in 2024 (in Finnish):

- [Työnantaja jätti maksamatta ainoalle ulkomaalaiselle työntekijälleen palkkaa ja päätti työsuhteen koeajalla – tuomio työsyrynnästä](#) 22 February 2024, Southern Finland
- [Käräjäoikeus tuomitsi neljä henkilöä vankeusrangaistuksiin törkeistä kiskontarikoksista](#) 5 March 2024, Southern Finland
- [Marjanviljelijälle sakkoja työsyrynnästä ja työaika-suojelurikoksesta](#) 27 June 2024, Eastern Finland
- [Helsingin hovioikeus tuomitsi yhdistyksen hallituksen puheenjohtajalle sakkoja työsyrynnästä](#) 23 December 2024, Southern Finland

Tyosuojelu.fi

Website of the Occupational Safety
and Health Administration in Finland