

International Association of Judges

Answers of **Finland** to the questionnaire for the meeting of the IVth Study Commission of the IAJ
(Valle de Bravo, Mexico, 31 October - 4 November 2004)

Justifications and characteristics of entities competent to resolve labour and social security disputes

1. In Finland these issues are decided in four different types of courts

1.1. Disputes concerning the collective labour agreements (also strikes) are decided by **The Labour Court** - one in Finland and it is the first and the last instance.

1.2. Disputes related to individual employment relationships in the private sector (f.ex. illegal notice to quit) are heard by **the general courts** - district courts (60), the Courts of Appeal (6) and the Supreme Court (if the leave to appeal is granted).

1.3. Disputes concerning social insurance (pensions, unemployment benefits, sickness benefits etc.) are handled first in several different local or national appeal boards, and then it is possible to appeal to **the Insurance Court** - only one in Finland and the last instance.

1.4. Disputes concerning municipal social aid (services for the disabled persons, aid for the minimum subsistence level and other social welfare cases) are handled by municipal social boards as the first appellate body and then appealed to **the administrative courts** (8). The last instance is the Supreme Administrative Court, if the leave to appeal is granted. The administrative courts also handle disputes related to individual civil service relationships (compare 1.2.).

2. The Labour Court (above 1.1.) and the Insurance Court (1.3.) are as special courts part of the court system, and the administrative courts (1.4.) are as general administrative courts also part of the court system. Ofcourse the general courts (1.2.) are also part of the judicial system.

3. The Labour Court and the Insurance Court normally have 2 - 3 professional judges and 4 - 6 lay judges hearing a case. Half of these lay judges are appointed by workers trade unions and the other half by the employers' associations. These are often lawyers. In the Insurance Court there are also medical specialists as full time judges beside the professional judges hearing the cases with medical problems. In administrative courts there are 3 judges and no laymen and in the Supreme Administrative Court 5 judges dealing with a case. In the general courts there are no lay judges in these cases. In a District Court one judge, in a Court of Appeal 3 judges and in the Supreme Court 5 judges are hearing a case. In the general courts and in the Labour Court the procedure is mostly oral and in the administrative courts and in the Insurance Court mostly written.

4.a) and c) The only possible change discussed in public could be the abolition of the system described above in point 1.3. (appeal boards and the Insurance Court) and moving these cases to the administrative courts, or at least to abolish the system of the lay judges in this court.

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