

**STRIKE
INSTRUC-
TIONS**



**Palvelualojen
ammattiliitto**

Servicefacket

This document is a translation from the original Finnish-language Strike Instructions adopted by PAM's Executive Committee on 25 April 2017. Should interpretation of the English translation lead to an outcome deviating from the original Finnish-language Strike Instructions, the Finnish version will apply.

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Strike Instructions

PAM's general strike instructions apply to strikes called by the Union's Executive Committee and Executive Team. In addition to these general instructions, PAM's Executive Committee and Executive Team issue more targeted and specific instructions to address various situations.

Deciding on a strike

PAM's Executive Committee leads the Union's collective bargaining and other negotiations. The Executive Committee decides on continuation or termination of collective and other agreements and adopts any new agreements.

The Executive Committee decides on starting and ending any industrial action. It may also arrange for issues relating to collective bargaining to be discussed and decided by the PAM Council. The Executive Committee may organise a consultative vote on the result of collective agreement negotiations among those members covered by the agreement being negotiated. No decision on starting industrial action may be made unless it is supported by at least two thirds of voters.

In order to support members currently on strike, the Union may collect additional membership fees from employees outside the scope of the strike. The Union's Executive Committee will decide separately on collecting additional membership fees.

Lawfulness of a strike

A strike is a lawful form of industrial action. The Finnish Constitution guarantees citizens freedom of association and assembly and the right to strike. The parties to a collective agreement have agreed on industrial peace and on the minimum terms and conditions of employment applicable within their sector.



Once PAM's Executive Committee terminates collective agreements and the collective agreement period expires, the parties enter into an interval without a collective agreement, which means that the obligation to maintain industrial peace expires as well. At the same time, there are also ongoing negotiations on new collective agreements. Should the negotiating parties fail to reach a settlement, or should the result of negotiations be rejected, the Union will issue a strike warning, i.e. notice of industrial action. In other words, a strike based on PAM's union decision is a lawful way of bringing influence to bear on the employer side so as to reach an acceptable negotiation result.

Non-organised employers will also be notified of a strike as required by the relevant statutory provisions.

Limits to a strike

The Central Strike Committee (PAM's Executive Committee) defines the limits to a strike, while the Union's Department of Organisational and Regional Activities is responsible for monitoring and specifying the strike limits in practical terms during the threat of strike and any subsequent strike.

Strike organisation

Central Strike Committee

PAM's Executive Committee functions as the Central Strike Committee. The Central Strike Committee and the working groups appointed by the Committee lead industrial action and issue instructions on practical measures to strike organisations, while also supervising all activities relating to industrial action. The Central Strike Committee appoints the necessary working groups and defines their duties.

Regional strike organisation

The Regional Manager is responsible for regional strike management.

While deciding on a strike, the Central Strike Committee may, where considered necessary, decide that there is also reason to set up regional and local strike committees.

Regional strike committees should represent different occupational fields and strikers as comprehensively as possible, while providing support for the Regional Manager in managing the regional strike



organisation. The Regional Strike Committee agrees on the division of work with the local strike committee and local trade union branches. Where required, a local strike committee may also function as the Regional Strike Committee.

Workplace strike teams

Workplace strike teams organise action at individual workplaces. They provide information for and keep in active contact with the relevant PAM Regional Office during a strike and preparations for it. If there is a local strike committee in the region, each strike team also informs the committee of its actions.

The Union's Regional Office/Regional Strike Committee

- The Union's Regional Office sets up a strike organisation, contacts workplace strike teams and agrees on the division of work.
- The Regional Strike Committee appoints officials, including the Chair, Vice Chair, Secretary, Communications Officer, Finance Coordinator, Recreation Coordinator, and members.
- assembles and organises pickets and their supporters;
- is responsible for the success of the strike within the region/location/workplace;
- oversees compliance with instructions and orders issued by the Central Strike Committee;
- deals with registration of strikers, which is used as the basis for paying out strike pay, unless otherwise decided on strike payments;
- keeps in contact with shop stewards and contact people at workplaces affected by the strike;
- keeps in contact with and provides information for the region's local branches;
- ensures and supervises that no strike-breaking work is carried out at sites affected by the strike;
- keeps in contact with the Central Strike Committee;
- keeps a strike diary covering picketing shifts, pickets and their supporters and reports on events to the Central Strike Committee as required;
- plans the flow of internal communications before and during the strike;
- keeps in contact with regional media, communicating the legitimacy of the strike from its own perspective;
- provides strikers with information on strike action;



- participates in distributing strike leaflets;
- decides on local limits to the strike;
- grants local work permits to those on subsidised employment and returning from holidays (if at risk of losing holiday bonus), where required;
- launches work in accordance with the strike termination agreement once industrial action ends.

Local branches

Local trade union branches have an important role to play in the event of industrial action. Local branches have been involved in setting PAM's objectives for collective agreement negotiations, and achieving these objectives is also the reason why people go on strike.

Local trade union branches:

- secure and book meeting places for strikers;
- support workers engaged in industrial action by organising various joint events and gatherings for strikers;
- provide strikers with financial/material support (such as strike pay or food allowance).

Pickets

The Regional Office organises pickets for each workplace affected by the strike. Pickets are appointed and shifts are organised in advance. The duration of shifts is determined with due consideration for the working hours and conditions at each workplace. Pickets must keep their PAM badge in view.

Pickets:

- maintain order in front of the workplace affected by the strike;
- distribute strike leaflets;
- inform people coming to the workplace of the strike;
- keep tabs on employers' actions;
- report to the strike committee on consumers' comments and moods, as well as on any possible strike-breaking, etc.



Pickets are not entitled to:

- prevent anyone's access to the workplace by force;
- stay inside the workplace without permission.

Picket supporters

The Regional Office may organise a required number of supporters for pickets and allocate their shifts. Picket supporters must keep their PAM badge in view.

Supporters:

- circulate to check that pickets are at their agreed spots and recruit more pickets as required;
- communicate information from pickets to the Regional Strike Committee and vice versa;
- make sure that pickets have enough information material to hand out;
- function as an all-round service crew for pickets.

Supporters are not entitled to:

- prevent anyone's access to the workplace by force;
- stay inside the workplace without permission.

Strikers

The role of strikers is to:

- sign up for the strike as instructed by the Union;
- comply with instructions issued by the Central Strike Committee and the Regional Office;
- participate in supervising the strike as pickets or picket supporters, for example;
- resist any possible pressure tactics used by the employer;
- participate in strike meetings;
- only believe facts, not rumours that are always flying around during strikes.

Strikers need the employer's permission to gather at the workplace.



Impact of industrial action on employment relationships

An employee's involvement in lawful industrial action does not entitle the employer to dissolve or terminate the employment relationship or terminate a trial period or a fixed-term employment contract.

The employer is not allowed to discriminate against an employee engaged in strike action when deciding on working hours, work schedules, pay increases, etc.

The strike termination agreement ensures that employees reporting for work by the specified date will be reinstated as so-called existing employees. As long as an employee returns to work within the specified time after the strike, the terms and conditions of their employment will remain unchanged.

Finishing work

Any tasks required to finish work before a strike starts are carried out as usual. It is necessary to agree at the workplace on details such as handing over keys in advance of the strike, so that people can leave the premises without problems when the strike starts. Keys should be handed over against a receipt or some other proof.

Settlement of pay claims

The employer is not obliged to pay employees for the duration of a strike. However, any outstanding amounts of pay, per-diem allowances and travel allowances already earned by an employee and any other amounts owed under the employment relationship must also be paid by the employer on the normal payday during industrial action.

Fringe benefits

Employees are not entitled to receive any fringe benefits covered by the employer, such as luncheon vouchers, for strike days. Any company equipment provided by the employer for use by an employee, such as a company car, must be handed over to the employer prior to industrial action, unless otherwise agreed.

Employer-provided dwellings

As an employee's employment relationship does not end due to a strike, they are entitled to continue living in an employer-provided dwelling during the strike.



Working hours

In the event of a short-term strike, any time sheets drawn up in advance will be applicable when returning to work after the strike; in other respects, the strike termination agreement will apply.

Additional time off during a strike

Any shift rota drawn up in advance is applicable during industrial action. If a rota includes reductions in working hours (additional hours/days off), these will run as usual, but if they have not been marked on the list in advance, they will be deferred to a later date. As a general rule, any time off as a working hours reduction will accrue and run during the working hours adjustment period applicable in each specific company.

Annual holidays

The start of a strike does not interrupt an annual holiday started by an employee. The employer is required to pay holiday pay and holiday bonus as usual before the start of the holiday.

Exceptions:

- According to an opinion issued by the Labour Council, a holiday may not be scheduled to start during a strike.
- If a strike starts prior to an agreed period of annual holiday, the employee is considered to be on strike and the holiday will be postponed.
- If a strike and a period of holiday scheduled in advance start on the same day, the employee is considered to be on annual holiday, because an annual holiday starts at 12 midnight while a strike will only start later (i.e. when the day's shift is scheduled to start).

Absence from work due to a strike will not be counted as equivalent to working hours when calculating the duration of annual holidays for the following holiday period.

Holiday bonus

If an employee's annual holiday or a part of it ends during a strike and they do not immediately return to work, holiday bonus will not be payable in this respect. For this reason, the Regional Office may grant work permits to employees returning from holidays on request, allowing them to retain their entitlement to holiday bonus.

Sick pay

When an employee has fallen sick before the start of a strike, they are also entitled to receive sick pay for the duration of the strike in keeping with the provisions of the relevant collective agreement. The employee should immediately submit medical certificates and notice of their recovery to their employer, even though they will join the strike at the end of their sick leave. Conversely, if an employee falls ill after going on strike, case law indicates that they are not entitled to receive sick pay for strike days. Instead, they are entitled to receive daily sickness allowance.

Students and workers employed through support measures

In principle, any students completing a period of compulsory practical training at a site affected by a strike would have to do strike-breaking work. Since students' involvement in the strike might delay their studies, the shop steward will need to negotiate separately on their status with the educational institutions involved. Such negotiations should be conducted prior to the strike, and students should be informed of the result of the negotiations. It is recommended that students and on-the-job learners should not carry out strike-breaking work.

Workers on subsidised employment, whose 'reset counter' to restart the unemployment allowance period depends on each working week, should apply separately to the Regional Office for a work permit in good time prior to the start of the strike. The Regional Office grants work permits at its discretion.



Unemployment benefits

Unemployment

When unemployment started prior to a strike, the strike will not affect payment of daily unemployment allowances.

Temporary lay-off

If notice of temporary lay-offs was issued prior to a strike warning and the temporary lay-off period starts before the strike, the strike will not affect payment of daily unemployment allowances.

Adjusted allowance

People receiving adjusted unemployment allowance and falling within the scope of a strike are not entitled to receive daily allowance for the duration of strike action, but will receive strike pay instead.

Fixed-term employment

If a fixed-term employment relationship ends during a strike, the employee will receive daily unemployment allowance after their employment ends (allowing for the waiting period).

Obligation to accept work during a strike

An unemployed job seeker is not obliged to accept any work falling within the scope of a strike, lock-out or boycott. Should the employment office offer such work, the job seeker may refuse the offer without losing their right to receive unemployment allowance.

Lock-out

A lock-out is a counter-measure to a strike used by employers. A lock-out means that an employer organisation bans working (with two weeks' notice) in some of its member companies left outside the strike. A lock-out imposed by an employer is comparable to a strike by employees, entitling employees to receive strike pay

Questions relating to finances during a strike

Strike pay and additional membership fees

The payment and amount of strike pay are decided by PAM's Executive Committee or Executive Team.

A lock-out imposed by an employer is comparable to a strike by employees, entitling employees to receive strike pay. If an employer declares a lock-out in a specific sector or the Union's Executive Committee decides to expand a strike, the Executive Committee will readdress questions relating to strike pay.

Members of other unions falling within the scope of the strike will receive strike pay on the same criteria as PAM members.

The Executive Committee may supplement decisions relating to strike pay as required.

In order to support members currently on strike, the Union may collect additional membership fees from employees outside the scope of the strike by separate Executive Committee decision.

Additional membership fees are tax-deductible, just like regular membership fees.

Collecting membership fees

The employer is required to deduct membership fees from pay as usual. Any threat made by the employer to discontinue fee collection can be considered comparable to industrial action.

Registration and payment procedures

Instructions and materials relating to registration and payment procedures will be submitted separately to regional strike committees prior to a strike.

Specific decisions

The Union's Executive Committee may grant special allowances based on application when financial losses resulting from industrial action have caused actual distress. The Executive Committee recommends that local branches grant allowances to their striking members based on application.

Possible counter-measures by employers

Employers may try to break a strike by various means, such as using pressure or threats, claiming that the strike is unlawful, and spreading false rumours. Any and all counter-measures taken by employers must be resisted, while false rumours must be debunked and immediately reported to the Union's Regional Office or Regional Strike Committee. Correct and up-to-date information is available from the Union's offices and website at www.pam.fi.

On-call services during a strike

On-call services provided by PAM offices during a strike will be decided and communicated separately. Any questions concerning the strike should be directed to the Union's offices, regional strike committees or local branches while following the Union's website and other communications.

Ending a strike

A strike is terminated on a separate strike termination agreement specifying issues relating to termination.

CONTACT

Membership services Mon–Fri 9 am–4 pm

030 100 600

Queries about joining PAM, PAM membership, membership fees and member benefits.

Employment advice for members

030 100 620

Queries about pay, working times, holidays and dismissals.

Unemployment benefit advice

020 690 211

Queries about unemployment and unemployment allowance.

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