

Granting legal aid to members of the Trade Union for the Public and Welfare Sectors JHL /

Basic premises

- These instructions complement paragraph 21 in the union rules (Legal aid).
- Legal aid can be granted for civil or criminal cases related to one's employment, and for cases related to the operations of the union or its member branch.
- Legal aid can be applied for only after the dispute has been negotiated on in the workplace, and it has not been possible to solve the dispute locally in accordance with the chain of protection of interests.
- The legal affairs division will conduct an assessment on the prerequisites for granting legal aid. The Employment Committee of the union's Executive Committee will make the final decision on granting or refusing to grant legal aid.
- The legal aid granted by the Employment Committee of the union's Executive Committee only covers the principal trial court processing of the case. The legal affairs division will always decide separately on an appeal and on applying for a further leave to appeal in a court of appeal, and on applying for a leave to appeal in the Supreme Court. This also concerns any possible international legal proceedings.

Basic prerequisites / General prerequisites

- A prerequisite for legal aid is that the person's membership has lasted at least six months (before the incident for which legal aid is being applied for took place). The membership must remain valid throughout the case proceedings.
- The incident for which legal aid is being applied for must have taken place during the time of the person's membership.
- The membership fees must be paid in full.
- If the member has hired a lawyer or legal adviser outside the union to handle the case before the legal affairs division has started to assess the case, the right to legal aid does not exist.
- In individual cases, the Employment Committee may deviate from the aforementioned prerequisites for a special reason.

Other aspects to take into account

Based on an overall assessment, the legal affairs division will make a proposal to grant legal aid. This includes an assessment of:

- the prospect of success in court for the case (whether the case has a sufficient prospect of success in court based on the information presented).
- the financial interests related to the case, for example whether the injured party in criminal proceedings has made a civil claim (legal aid will not be granted if the

possible gain is disproportionately small in relation to the risk and possible expenses).

- the principled significance of the case for JHL members (a preliminary ruling is wanted, which would then set an example for future cases).
- If the member is the suspect for an intentional offence, legal aid is normally not granted.

Legal expenses

- The legal aid will cover the member's legal expenses without a deductible. The recoverable expenses are legal fees, the general fee for court proceedings, and the costs of taking of evidence.
- If the member loses the case, the union will pay the legal expenses ordered by the court on the member's behalf.
- In case the court orders the counterparty to pay legal expenses to the member, the union will take the money as compensation for its legal aid.
- If a settlement is reached in the case, the expenses and compensation will be agreed on in the settlement agreement.

Confirmation of instructions

The Employment Committee of the union's Executive Committee confirmed these instructions in its meeting on 8 December 2021.

Entry into force and application

These instructions have been in force since the confirmation date. They are applied to all legal aid applications processed after the confirmation date.