

Posted workers and terms of employment in Finland

Webinar 2.6.2022 at 17–18



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Practical information

- Presentation: [Tyosuojelu.fi/live16](https://tyosuojelu.fi/live16)
- Webinar recording will be available in a few days on the same page.
- Chat is open during the webinar.
- Chat remains visible, so you can focus now on the presentations and read the chat after the webinar.
- Note also our webinar for posting companies, recording: [Tyosuojelu.fi/live9](https://tyosuojelu.fi/live9)



We guide and supervise

- We are the occupational safety and health (OSH) authorities.
- We give guidance to employers, employees and other customers.
- We supervise employers and inspect workplaces. This includes also posting companies and posted workers.



Photo: Anu Pynnönen



Topics of the webinar

- Posting – Definition
- Right to work in Finland
- Wage
- Working hours
- Holiday and holiday payments
- Occupational healthcare
- Accident insurance
- Inspection on posting companies
- Problems at workplace – What can an employee do and where to get help?

Presentation: [Tyosuojelu.fi/live16](https://tyosuojelu.fi/live16)

Am I a posted worker?

- A posted worker is a person who works
 - normally in a State other than Finland
 - for an employer established and significantly active in that other State, i.e.
 - the company posting the worker
 - to Finland on a temporary basis for a limited period,
 - based on a contract of employment.

This applies to work that is

- subcontracted
- as an intra-corporate transfer
- or temporary agency work.

The Finnish
**Act on
Posting
Workers**

Applicable legislation – employment matters & posting

- Act on Posting workers (447/2016)
- Employment Contracts Act (55/2001)
- Working Hours Act (872/2019)
- Annual Holidays Act (162/2005)
- Occupational Safety and Health Act (738/2002)
- Occupational Health Care Act (1383/2001)
- Workers' Compensation Act (accident insurance) (459/2015)
- Pay (wages and mandatory pay items)
- Working hours, regular working time, over time work, rest periods (daily and weekly)
- Documentation of working hours: Work schedule, Working time register
- Occupational health care agreement
- Accident insurance in Finland or A1-certificates



Right to work



Foreign employee's right to work in Finland

EU citizens

- may work in Finland without a special permit

Citizens outside the EU

- usually need a residence permit granting the right to work



Wages and Salary

Minimum wage

The salary to be paid to the posted worker must cover the **mandatory salary items** in accordance with the collective agreement

- 1) The generally applicable collective agreement
- 2) Normal binding collective agreement based on membership of an employers' organization
- 3) A collective agreement determined under an agreement connecting to a collective agreements
- 4) Collective agreement for temporary agency worker

At least a reasonable normal pay, if the remuneration agreed upon between the employer and worker is significantly lower than what has been agreed.

The minimum wage is stated in the collective agreement

- the employer cannot pay less, but they can pay more.

Basics of pay

- An hourly or monthly wage or the task based payment component
- A personal salary component
- Job-specific salary component
- Any separate pay components related to working hours
 - compensation for shortened working hours
 - Working time balance allowance
- Employer should also pay additional bonuses for overtime work and Sunday work

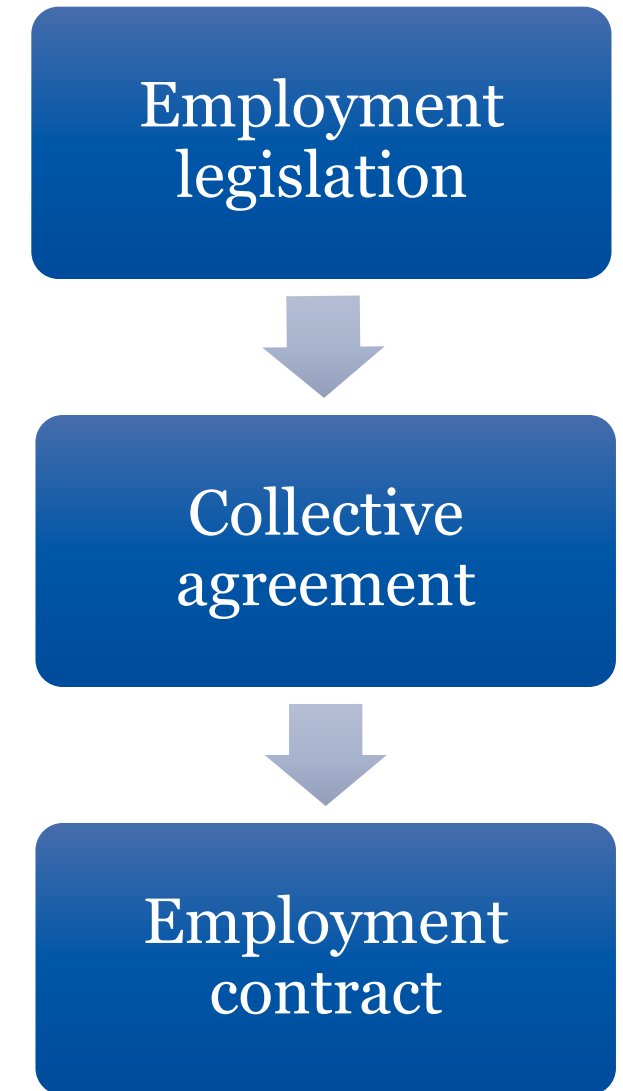


Wages

- Special allowances and remunerations which do not relate to the actual cost of being posted is considered as part of the employee's salary. E.g. personal salary supplements / bonuses.
- A daily allowance or "posting allowance" is compensation for the cost of being posted and is not considered as wage.
- If the terms of the employment relationship do not specify whether the remunerations or allowances paid for the posting are based on actual costs, the reimbursement is considered as reimbursement of costs and not as salary.

What is a collective agreement? 1/2

- Collective agreement (TES) is an agreement between a trade union and employer union.
- It defines the minimum terms and conditions
 - For example, pay and working hours
 - More specific than legislation



What is a collective agreement? 2/2

- Collective agreements are usually field-specific.
- If there is a **universally binding** collective agreement in the sector, every employer on that sector must follow it.
- You will find collective agreements on page [Finlex.fi/fi/viranomaiset/tyoehto](https://finlex.fi/fi/viranomaiset/tyoehto) (in Finnish).

Example of wages on building sector

Hourly wages by different wage groups from 1.9.2021:

I	New employee	11,04€
II	Employee with some experience	12,43€
III	Novice professional	13,62€
IV	Professional	15,00€
V	Experienced professional	16,32€
VI	Highly experienced professional	17,46€

Wages are defined in collective agreements (TES)

In addition each employee must always be paid a personal salary component.

Source: [Rakennusliitto.fi](https://www.rakennusliitto.fi)

Examples of wages on industrial sector

The following job-specific hourly wages shall apply when using nine job requirement categories as of 1 March 2022:

Job requirement category	Job-specific hourly wage cents/hour	Job-specific monthly wage EUR/month	Pay scale
1	949	1654	C
2	996	1737	C
3	1046	1824	C
4	1099	1915	B
5	1154	2010	B
6	1211	2111	B
7	1272	2217	A
8	1335	2327	A
9	1402	2444	A

Wages are defined in collective agreements (TES)

Individual wage element between 5–26 % of the job specific wage



Travel and accommodation costs

Travel and accommodation costs 1/2

- The employer's obligation to pay for travel and accommodation costs because of posting a worker from the **usual country of employment is determined by the national (country of origin) legislation or practice** applicable to the employee's employment relationship.
- If the costs **are not to be payed at all** according to national law or practice, or if the compensation according to national regulations or agreed is **significantly lower than the travel and accommodation costs considered normal and reasonable in Finland**, the employer must pay for the costs substantially corresponding to the compensation level of the universally binding collective agreement in Finland.

Travel and accommodation costs 2/2

- When a posted worker is sent during posting in Finland from the usual place of work to another place **in Finland or abroad or between places of work in Finland**, travel, accommodation and meals incurred during the posting are paid at least in accordance with the provisions of collective agreement.
- These actual costs paid by the employer are not considered as the salary of the posted worker.



Working hours

Working hours

- Normal working hours in Finland are 37,5 or 40 hours per week.
- If you work more than 8 hours a day or more than 40 hours a week, you are usually entitled to overtime pay.
- The employer cannot force you to work overtime.
- There are usually 2 days off per week.
- Working time schedule must be done in advance.
- Working time records must be kept by employer.
- Collective agreements may contain other provisions.
 - For example, in the industry and building sector an average working time can be used.

Work shifts / Working time schedule

- A shift list (= työvuoroluettelo / työvuorolista) must be visible to the employees. It shows when the work shift starts and when it ends.
- Keep a record of your working hours. Write down your daily starting and finishing times.

WORK SHIFT LIST

	1.11.2021			2.11.2021			3.11.2021		
Employee	Starts	Ends	Breaks	Starts	Ends	Breaks	Starts	Ends	Breaks
Mark	8.00	16.00	11.30– 12.00	14.00	22.00	17.00– 17.30	14.00	22.00	17.00– 17.30
Lisa	14.00	22.00	17.00– 17.30	8.00	16.00	11.30– 12.00	8.00	16.00	11.30– 12.00

Average working time

- Weekly working time may be organized in such a way that it averages 40 hours over a period of maximum 52 weeks (without exceeding the regular daily working time of eight hours).
- Working time must be averaged during the posting period.
- An adjustment scheme must show the adjusting of working time.
- The scheme must be done in advance and indicate the regular working time in each week.

Average working time according to Working time act

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Average for 6 weeks
45	45	45	45	45	15	240:6 = 40 h/week

- Weekly working time adjustment time would be six weeks.
- Collective agreements can have other provisions on adjusting the working time.

Average working time: An example of building sector

- The collective agreement for building sector allows the use of an average working time if an agreement is done at the work place.
- Working time needs to be on average 40h in the period of maximum 6 months or including the reduction in working time 38 hours a week.
- Example of adjustment scheme in period of six weeks:

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Average for 6 weeks
50	50	40	30	28	30	228:6 = 38 h/week



Annual Holiday

Basics of Annual Holiday

- When working in Finland for a longer time:
 - First year you earn 2 days per month
 - After the first year 2,5 days per month
- The summer holiday season is the period between 2 May and 30 September.
- The winter holiday season is between 1 October and 30 April.



Holiday payments

- You are entitled to get a holiday pay during your annual holiday.
- If you do not get to keep your annual leave, your employer must pay compensation for the earned annual leave days (holiday compensation).
- Read more on Tyosuojelu.fi:
[Annual holidays](#)

**Holiday pay =
lomapalkka**

**Holiday
compensation =
lomakorvaus**



Occupational Health Care



Occupational health care

- Every employee is entitled to occupational health care.
- Please note: Occupational health care includes preventative actions, but not necessarily medical care in case of sickness.
- Read more on Tyosuojelu.fi: [Occupational health care](https://tyosuojelu.fi/tyosuojelu)



Accident insurance



Accident insurance

- A posted employee from another EU state remains subject to the legislation of the country of origin, if duration of the work is max 24 months and if the employee is not posted to replace another employee.
 - A1 certificate may be issued to the employee.
- If there is no A1-certificate, the posted worker will fall under Finland's social security legislation, and the employer must take out accident insurance for them **in Finland**.



Supervision

Inspections on posting companies 2021

- Over 200 inspection
- Most deficiencies found on:
 - Notifications on posting
 - Salaries
 - Obligation to keep available information on workers posted to Finland
 - Working hours account



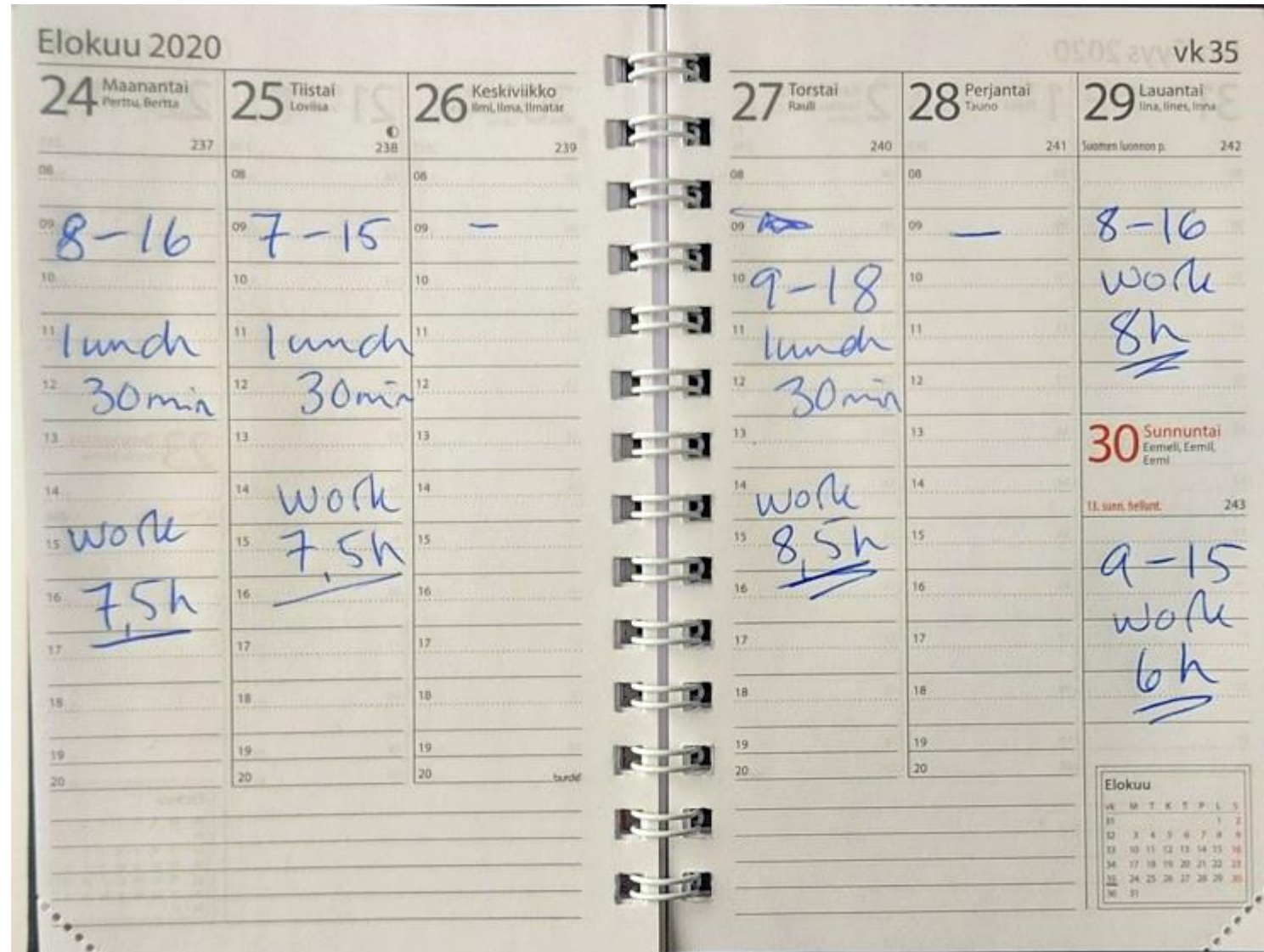
Some remarks on inspecting posting companies

- Equality in the workplace
 - Everyone has equal rights and obligations in the workplace.
 - Discrimination at work is prohibited.
- “Light entrepreneur”
 - Usually means that you are self-employed and invoice the customer through an invoicing service company.
 - Self-employed person determines when, where and how they work.
 - An employee does not get to decide these matters, an employer does this for them.
 - **Find out which one you are before you sign a contract!**



Problems at workplace

Keep track of your working hours!



If your salary is not paid correctly

- First, ask your employer to correct your salary.
- Remember: your employer cannot deduct/subtract a debt from your salary, if you have not agreed on it.
- If you are a member of a trade union, contact your union for help.
- If you have not been paid the minimum rate of pay, you may notify the construction site builder or the main contractor. After receiving the notification, the builder or the main contractor must immediately request the posting company to provide a report on the wages paid to you and whether these comply with the regulations in Finland.

How can we help you with problems regarding your salary

- We can advice you on how your wages should be paid.
- We can monitor if you have been discriminated in work life.

Note: We cannot help you to calculate your wages and pay or apply for missing wages.

You can be in touch with the local OSH inspectors for foreign workers

1. Northern Finland

0295 017 500, tyosuojelu.pohjois@avi.fi

2. Western and Inland Finland

0295 018 450, tyosuojelu.lansi@avi.fi

3. Eastern Finland

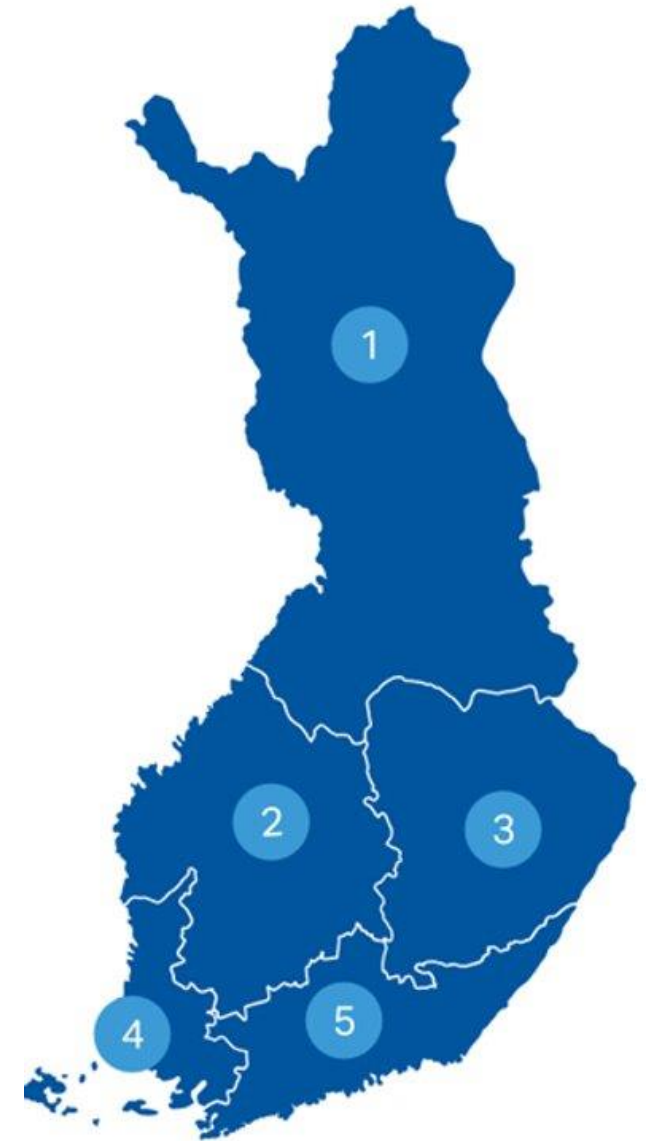
0295 016 800, tyosuojelu.ita@avi.fi

4. Southwestern Finland

0295 018 000, tyosuojelu.lounais@avi.fi

5. Southern Finland

0295 016 000, tyosuojelu.etela@avi.fi



Telephone service



- Telephone service of the occupational health and safety authority: 0295 016 620
- In English from Tuesday to Thursday at 9–12
- In Finnish and Swedish from Monday to Friday at 9–15



Useful web-links

Tyosuojelu.fi

Information about

- Employment relationship
 - Posted worker
- Working conditions
- Occupational safety and health

In Finnish, Swedish and English

Telephone Service

Contact Information

FI

SV

EN



Tyosuojelu.fi

Website of the Occupational Safety and Health Administration in Finland

Search from site...



More helpful weblinks

Taxes

- The employee is responsible for the correctness of the taxation!
- More information [Vero.fi](https://vero.fi)

Right to work

- Finnish Immigration Service [Migri.fi](https://migri.fi)

Occupational accidents

- Finnish Workers' Compensation Center (Tapaturmavakuutuskeskus [Tvki.fi](https://tvk.fi), see page [What to do when an occupational accident occurs](#))

Support for victims of crime

- Victim Support: [Riku.fi](https://riku.fi)
- Assistance system for victims of human trafficking: [Ihmiskauppa.fi](https://ihmiskauppa.fi)

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See you again!



Regional State
Administrative Agency

Webinar recordings and presentations

- Of today: [Tyosuojelu.fi/live16](https://tyosuojelu.fi/live16)
- Previous webinars in English:
[Tyosuojelu.fi/events](https://tyosuojelu.fi/events)
 - Posting workers to Finland – employers' responsibilities and possible sanctions
 - Workers' rights in Finland
- All our webinars: [Tyosuojelu.fi/live](https://tyosuojelu.fi/live)
(in Finnish)



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