



Obligation of a posting company to apply additional employment conditions to long-term posting

Long-term posting, i.e. work lasting at minimum 12 months, is subject not only to mandatory employment conditions as defined in the Act on Posting Workers, but also to additional employment conditions.

This ensures equal treatment of posted workers and workers in the country of employment after posting has lasted for more than 12 months.

The deadline for applying the additional employment conditions may be extended to a maximum of 18 months if the posting company submits a reasoned notification to the occupational safety and health (OSH) authority.

Long-term posting

Long-term posting means work lasting for a minimum of 12 months.

The calculation of the time limit will take into account actual work, which refers to actual working hours in Finland, paid leave and sick leave.

If the posting company replaces a posted worker with another posted worker performing the same work at the same workplace, the duration of the posting period is assessed by taking into account the total duration of the posting periods of the individual posted workers concerned. In other words, long-term posting will not be assessed on an employee-by-employee basis.

Exception for the subcontracting of road transport

In the case of subcontracted transport services, the calculation provision mentioned in these instructions will not apply when assessing the fulfilment of the 12-month working time limit of a posted worker. Posting is deemed to end when a driver leaves the receiving Member State in international transport of goods or passengers. This posting period may not be added to previous posting periods for such international transport carried out by the same driver or their substitute.

The posting company as an employer is obliged to inform the worker whom it has posted if the same work has been performed by a worker who has previously been posted to the same workplace. The employer must also notify how long the posting period of the previous employee or employees has lasted.

The employer should have in place a monitoring system to monitor the working time limit when a posted worker is replaced by another posted worker.

Long-term posting is not assessed on an employee-by-employee basis.

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Additional employment conditions

In Finland, additional employment conditions refer to the terms of a generally applicable collective agreement or other collective agreement binding on the posting company that would apply in addition to the provisions on working hours, annual leave and occupational safety.

Additional employment conditions do not include the provisions on concluding employment contracts, terminating employment relationships, the non-competition obligation and occupational supplementary pensions.

Additional employment conditions based on collective agreements are usually related to paid absences, such as the employee's 50th birthday, the funeral date of a close relative, payment for years of pensionable service and obligations to pay sick pay. The additional employment conditions must be clarified case-specifically on the basis of the applicable collective agreement in the employment relationship.

In particular, any of the provisions of the collective agreement, which shall be earned depending on time limits or the duration of the employment relationship, must be taken into account. Examples include:

- determination of the personal payment component
- paid anniversaries
- accumulation of annual leave and holiday pay
- holiday compensation and holiday bonus
- meal allowance
- work experience supplements
- the payment of sick pay
- the payment of maternity and paternity leave pay.

Any other provisions on various supplements and compensations relevant to the promotion of equal treatment of posted workers should also be taken into account.

The additional employment conditions must be clarified case-specifically on the basis of the applicable collective agreement in the employment relationship.

Annual leave, Independence Day and May Day

Long-term posting is additionally subject to

- the provisions of the Annual Holidays Act concerning the granting of annual leave
- the act on celebrating Independence Day as a public holiday
- the act on the arrangement of May Day as a holiday for employees in certain cases.

Under legislation, the employee must be paid a wage equivalent to a full working day for Independence Day despite the suspension of work if it had otherwise been a working day. The entitlement to pay on May Day and midweek holidays is determined on the basis of the provisions of the collective agreements applicable to the work.

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Justified notification of extension to the duration of posting

At the justified request of the posting company, the 12-month limit of work may be extended to a maximum of 18 months. In this case, the application of the additional employment conditions will only begin after the notified extension if the posting continues in the same work at the same workplace.

The posting company must submit a justified notification to the occupational safety and health authority of the extension of the 12-month period if the posting company believes that the additional employment conditions should not be applied.

The notification is submitted to the occupational safety and health authority, before the 12-month working time of a worker posted to Finland is reached, with an electronic form:

[Notification of extension of duration of posting of workers.](#)

The posting company must state in the notification the reason for the extension. An extension will not be granted on the basis of a completely unjustified notification. A justified reason for an extension is, for example, some reason outside the control of the posting company causing the duration of the posting to be prolonged.

The duration of the extension shall be determined by the notification submitted, but it may not exceed six months. In other words, the additional employment conditions will be applied at the latest when work in the same job and workplace has actually lasted for 18 consecutive months.

Only completely unjustified or manifestly inadequately justified notifications are ignored. This means that the 12-month period is not extended and the application of the additional employment conditions begins.

Enforcement

The occupational safety and health authority monitors compliance with the Act on Posting Workers. The occupational safety and health authority is tasked to receive the notifications of posting workers and, if necessary, instruct the company to state the justifications for the notification.

Legislation

- > [Act on Posting Workers \(447/2016\), section 4a: Additional terms of a contractual employment relationship in long-term posting](#)

More information

- > [Tyosuojelu.fi: Terms of employment for long-term posting](#)
- > [Tyosuojelu.fi: Notification of extension of duration of posting](#)
- > [Tyosuojelu.fi: Posted worker](#)

