



Posting in subcontracted road transport services

The Act on Posting Workers also applies to subcontracted transport services in road transport.

The EU Mobility Package for road transport introduced amendments to the Act on Transport Services and the Act on Posting Workers starting 1 February 2022.

The amendments put posted road transport drivers in the same position as posted workers in other sectors as regards the determination of the terms of employment.

The provisions of the Act on Posting Workers concerning pay, employer's liability for travel and accommodation costs, quality requirements for accommodation and posting notification procedures became applicable.

Key changes

Subcontracted road transport:

- Subcontracted road transport must be notified to the EU portal (IMI). Note! Not applicable to posting companies established outside the EU; notification must instead be submitted to the occupational safety and health (OSH) authority with an electronic form.
- The company does not need to appoint a representative in Finland.
- The posting transport company must keep available information on the grounds for the posted driver's right to work.
- Upon request, the posting transport company must present the information specified in the Act on Posting Workers during roadside checks or afterwards (Act on Posting Workers, sections 10 a, 10 b).

Exceptions to the application of the Act

The Act on Posting Workers **is not applied** to subcontracted transport services in Finland in the following situations:

- bilateral carriage of goods and passengers
- when the driver drives through the territory of a Member State without loading or unloading the cargo or without boarding or unboarding passengers (transit)
- bilateral combined transport of goods within the restrictions laid down in legislation.

The calculation rule of long-term posting does not apply to subcontracting situations of transport services.

No changes to temporary agency work and internal transfers

For transfers or temporary agency work within a company group, a notification of posting is still submitted to the OSH authority with an [electronic form](#). This also applies to posting company established outside the EU.

A representative must be appointed when workers are posted to temporary agency work or as a transfer within a company group or to cabotage transport.

Posting companies must keep available in Finland, in writing and for the entire duration of the posting, the information specified legislation (Act on Posting Workers, section 10).

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Obligations for subcontracting road transport

Duty to notify

The carrier, i.e. the employer of the posted driver, is obliged to submit a posting notification to the EU portal (IMI):

[Road Transport – Posting Declaration](#)



Content of the notification:

- operating permit number issued to the carrier
- contact details of the carrier's competent person-in-charge or other contact person of the carrier in the posting country for responding to official enquiries and receiving documents or notifications
- personal data needed to identify the driver, personal identity code, address of the place of residence and driving licence number
- start date of the driver's employment contract and the legislation applicable to the contract
- planned start and end date of the posting
- information on the registration numbers of the motor vehicles used
- information on whether the service is the transport of goods or passengers, international transport or cabotage.

If the notified information changes, a requirement for the work to continue is that the carrier submits a supplementary notification in the EU portal as soon as such changes occur.

Information required for roadside checks

If a driver is stopped during transport for a control check, they have to be able to present the following documents:

- copy of the notification of posting (notification made in the EU portal)
- proof of the transport service in Finland (carriage note)
- tachograph data.

The information must be available either on paper or electronically.

Provision of information to the OSH authority

An employer subcontracting road transport services must provide the OSH authority with the following information when requested:

- the employee's working time records of work carried out in Finland
- certificate of payment of wages
- information on the terms and conditions of employment applicable to the posted driver's employment relationship
- information on the transport service
- tachograph data.

The information must be provided after the end of the transport if requested by the OSH authority. The information must be submitted via the EU portal within eight weeks of the request.

Negligence fee

The OSH authority may impose a negligence fee on the posting company acting as the employer if:

- no notification of the posting of workers has been submitted to the EU portal
- the above-mentioned documents and information have not been available during a roadside check
- documents have not been submitted regardless of a request by the OSH authority.

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The principal terms of employment apply to posting

Pay

Finnish law does not specify a minimum wage. In Finland, the grounds for determining pay such as minimum wages and components of a wage, the method of calculating the wage to be paid and the grounds for placing an employee in different wage grades, are usually determined according to the collective agreement.

> [Collective agreements in the transport sector have been compiled in the website of the Transport Workers' Union AKT](#)



A collective agreement is used to define an hourly or monthly wage, contract wage and job-specific salary component as well as possibly a personal wage component.

Collective agreements may include job-specific provisions on placement in pay classes, but some collective agreements base placement in pay classes on

- how demanding one's work tasks are or
- their so-called scoring, on which the collective agreement generally provides instructions.

Special attention must also be given to regulations related to working hours, such as

- any separate pay components related to working hours (compensation for shortened working hours and holiday compensation) or
- working time balance allowance.

Working hours

For more information on driving times and rest periods in the transport sector, visit our website.

> [Tyosuojelu.fi: Driving and rest time rules](#)



Enforcement

The OSH authority supervises compliance with the Act on Posting Workers and provides advice on the application of the Act.

Road checks are done by police, customs and border authorities.

Contact information

Contact the OSH authority determined by the place of work:

1. Northern Finland

Email: tyosuojelu.pohjois@avi.fi

2. Western and Inland Finland

Email: tyosuojelu.lansi@avi.fi

3. Eastern Finland

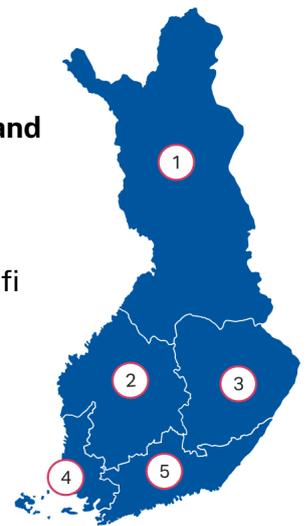
Email: tyosuojelu.ita@avi.fi

4. Southwestern Finland

Email: tyosuojelu.lounais@avi.fi

5. Southern Finland

Email: tyosuojelu.etela@avi.fi



More information

> [Workplace bulletin of the OSH Administration No. 9/2023: Checklist for the employer of a posted driver](#)



> [Tyosuojelu.fi: Posting in road transport](#)



> [Tyosuojelu.fi: Posted worker](#)

