Tripartite cooperation related to Directive’s (2014/67/EU) implementation in Finland

Eurodetachement 2016-2017
Transnational workshop
Lisbon, 24.11.2016
Background information

- In Finland, the new laws/law changes related to labour law matters are prepared in the tripartite cooperation
  - The representatives of the state/public authorities, employer’s organisations and trade unions participating to work

- With the new directive’s implementation requirement, Finland’s public authorities realised that we should rebuild a new national act on posting at the same time
  - Tripartite working group was established in order to prepare the new law
  - In the working group, the social partners were represented by central employer’s and worker’s organisations but also the Finnish Construction Trade Union and Confederation of Construction Industries
The importance of tripartite cooperation in creating the new national act on posting

- The social partners of construction sector and labour inspectorates have most experience and knowledge on what posting to Finland is in reality
  - The construction sector is the sector dealing with posted workers in Finland the most

- Labour inspectors had difficulties to locate and enforce posting companies from the perspective of old Act on Posted Workers => need for new tools for enforcement
  - During the Eurodetachement project in 2015 and on other occasions, Finnish actors learnt from other patricipant countries how prior declaration of posting works in practice

- Tripartitely seen a need for prior declaration in Finland
The importance of tripartite cooperation in creating the new national act on posting

- Related to new tools for enforcement, labour inspectorates proposed to have a negligence fee in the enforcement of new Act on posting of the workers (the sanctioning of infringements did not work well during the old law)
  - Social partners supported labour inspectorates’ view

- In the light of the new directive, Finland has to make its national generally binding terms of employment more visible and understandable for posting companies
  - Need for translating the collective agreements in the sectors to where foreign companies are posting
The main contractors and builders obligation in construction sector (based on the Directive 2014/67/EU)

- 17-02-2015: European Court of Justice Judgment in Elektrobudowa case
  - The Polish workers posted to Finland must be paid according to Finnish pay scales and must comply with the Finnish pay regulations
  - Salaries and compensations according to the general binding collective agreement, including daily allowances

- The main contractor and builder in the construction sector must, on the request of the posted worker, intervene in the event of possible inadequate payments made by the posting company

- Clarification of payments and salaries

- The main contractor and builder must send the posting company's response to the posted worker and, if requested, to the labour inspectorates.

- The main contractor and builder in the construction sector can also face a negligence fine if they do not act on the request of the posted worker to intervene in the event of inadequate payments made by the posting company.
Thank you!