



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

Eurodetachement 2016-2017  
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## 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 Eurodetachment project in 2015 and on other occasions, Finnish actors learnt from other participant 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!