

Finnish Liaison Office for Posting

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The tasks of OSH administration in Finland

Ministry of Social Affairs and Health / Department for OSH:

- leads the OSH administration
- drafts OSH legislation (but not labour legislation)
- develops occupational safety and health
- is the Liaison Office for Posting and uses IMI.



The tasks of OSH administration in Finland

The regional OSH authorities (= 5 labour inspections)

- enforce labour legislation, OSH legislation and generally binding (= universally applicable) collective agreements
- give advice to employers and employees, also to foreign employers and employees (But serve not as an attorney for anyone)
- have 15 labour inspectors who are specialized to supervise workplaces which have foreign employees, for example posted workers. (Also other labour inspectors can supervise those workplaces.)

The regional OSH authorities



The Liaison Office for Posting in the Ministry

When the Posting Directive (96/71/EC) was adopted, Finland decided to place the Liaison Office to the Ministry / Department for OSH, because Finland wanted to create only one Liaison Office.

In practice, the Liaison Office has always consisted only of two officials. One lawyer and one secretary. They take care of the Liaison Office's duties alongside their other, main work duties.

The duties of the Liaison Office

- to answer to questions about Finnish posting legislation made by foreign companies and workers (via email mainly)
- to send and to receive information requests made by Finnish labour inspectors or foreign authorities related to real enforcement cases (before via post - nowadays via IMI)

Information requests between authorities

Before IMI system started (spring 2011) Finland sent by post only few information requests to other countries and received requests even more seldom.

When IMI pilot started, we decided to be more active, because the need for cross border cooperation was and still is real and is becoming more greater.

Information requests between authorities

Between the period from May 2011 to March 2013, Finland has

- sent 36 IMI request (mainly to Estonia 21)
- received 2 IMI requests (Poland, Spain).

Finland has sent IMI requests also to:

Poland 4, Germany 2, Spain 2, Latvia 1, Denmark 1, Bulgaria 1, UK 1, the Netherlands 1, Sweden 1 and France 1.

Information requests between authorities

According to the Finnish Posted Workers Act, a posting employer has to have a representative.

The duty of a representative is to give certain information and documents from the posting employer to a Finnish labour inspector for enforcement purposes. (Like the work contract and records on working time and wages.)

The Finnish regional OSH authorities should be able to contact the representative in Finland. (For example, via Finnish postal address.)

Information requests between authorities

Usually Finland uses IMI system if a posting company doesn't have a representative or the representative neglects his/her obligations and our labour inspector can't have the information which he/she needs for a labour inspection.

Then Finland asks via IMI the authorities of the other country to try to get the needed information and documents directly from the posting company.

Of course there can be also other kinds of cases.

Information requests between authorities

Finland has been satisfied with the cooperation via IMI system.

Other countries have tried to help us and in many case they have reached the posting employer and we have got the information and documents which we need for a labour inspection, at least part of it.

Of course, sometimes it can take a long time to have an answer in IMI, but it is always better than no answer at all 😊

Information requests between authorities

Finland understands that answering in IMI may take a long time, especially because we self have been a slow respondent 😞

Finland has been slow mainly because of lacking resources. Our labour inspectors who are specialized with foreign labour have quite a heavy work load and usually they are the ones who, in practice, seek the answer for the other country's request.

The role of Finnish social partners in IMI process

In principle, Finnish social partners don't have a role in IMI process. But, in practice, it may happen that our labour inspector asks advice from the social partners when answering an IMI request.

The social partners have the best knowledge of the contents of the generally binding collective agreement of their own sector.

They can, for example, tell to what specific wage level a certain posted worker belongs according to the collective agreement.



Future prospects of the Finnish Liaison Office

It is possible that the Finnish Liaison Office moves in the future from the Ministry to some of our Regional OSH authorities. (Actual plans or decisions have not been made yet.)

In addition, we have new plans concerning IMI system. Every regional OSH authority (in practice, certain labour inspectors) start to use IMI by themselves at some point during the year 2013. (The starting date is still open.)

The Ministry will remain as a coordinator of the IMI cases.