

## Supervision and monitoring in Finland

The Finnish Liaison Office on posting is situated at the Ministry of Social Affairs and Health / Department for Occupational Safety and Health: <http://www.stm.fi/en/frontpage>

<http://www.stm.fi/en/occupationsafety/postedworkers>

The web pages of the Ministry will be improved in the near future.

Questions can be sent to this email address:

[Finnosha@stm.fi](mailto:Finnosha@stm.fi)

The Finnish regional occupational safety and health authorities, OSH divisions (labour inspectorates) are administratively parts of the Regional State Administrative Agencies:

<http://www.avi.fi/fi/Sivut/inenglish.aspx>

Unfortunately, the web pages are under construction. Please, use the former web pages of the OSH divisions: [www.tyosuojelu.fi](http://www.tyosuojelu.fi)

<http://www.tyosuojelu.fi/fi/yhteystiedot>



### Information on working in Finland

<http://www.tyosuojelu.fi/fi/workingfinland/>

Finland is going to improve the web pages of the OSH divisions. Information especially on posting will be published on the internet after the Enforcement Directive of the posting of workers Directive has come into effect in Europe and the informing obligations of the Member States are clear.

Meanwhile, information on posting can be found:

<http://www.tem.fi/index.phtml?l=en&s=3468>

[http://www.mol.fi/mol/en/02\\_working/05\\_foreigners/02\\_employment\\_relationships/03\\_posted/index.jsp](http://www.mol.fi/mol/en/02_working/05_foreigners/02_employment_relationships/03_posted/index.jsp)

[http://www.mol.fi/mol/en/02\\_working/05\\_foreigners/index.jsp](http://www.mol.fi/mol/en/02_working/05_foreigners/index.jsp)

Guide for employment of foreigners in Finland 2013 :

<http://www.rakennusteollisuus.fi/RT/Ty%c3%b6markkinat/Opas+ulkomaalaisten+ty%c3%b6skentelyst%c3%a4+Suomessa/>

The guide was made by the Confederation of Finnish Construction Industries RT

<http://www.rakennusteollisuus.fi/en/> and

The Finnish Construction Trade Union

<http://rakennusliitto.fi/en/>

## **1. Knowledge of the posting situations**

So far the majority of the posted workers in Finland have been Estonians and the most common sector where they work in Finland has been the construction sector.

### **The administrative requirements for posting employers**

There are some administrative requirements for posting employers in the Finnish Posted Workers' Act (1146/1999).

The Posted Workers' Act (1146/1999)

- in Finnish: <http://www.finlex.fi/fi/laki/ajantasa/1999/19991146>
- in Swedish : <http://www.finlex.fi/sv/laki/ajantasa/1999/19991146>
- Unofficial translation in English. Unfortunately, it is not wholly up-to-date :  
<http://www.finlex.fi/en/laki/kaannokset/1999/19991146>

The main requirements are:

- Usually, a posting employer shall have a representative. A representative must be available for contact in Finland also after the posting has ended. Please, see the Posted Workers' Act for details.
- A representative shall have in his/her possession certain information and documents. Please, see the Posted Workers' Act for details.

At the moment, Finland doesn't have any prior notice obligation for posting employers.

However, on the construction sector every person, either Finnish or foreign, shall have a Finnish tax number and shall be registered to the public tax number register before starting work at site in Finland. If a worker's tax number is not in the tax number register, the worker can't start working in Finland.

<http://www.tax.fi/taxnumber>

A foreign construction worker gets the tax number and can be registered to the tax number register by visiting the local tax office. The tax authorities give the worker also Finnish ID related to the tax

number. The tax authorities collect certain information during registration process from the worker such as some personal data, contact information and information about the posting. However, only the name of the worker and the tax number are public information for anyone in the tax number register. According to the Finnish Occupational Safety and Health Act (738/2002) each person working at a shared construction site has to wear an identification card. The data content of the card is prescribed in the Act. The worker's tax number has to be printed on the identification card too.

Finland is expecting some legislative changes on the construction sector. The Finnish authorities will have more rights to collect information about the companies and workers working at the construction sites in Finland.

## **2. Information exchanges with the other MS**

At the moment, the Liaison Office is responsible for the information exchanges with the other Member States. The information exchanges are done via the IMI system.

In practice, the information requests from Finnish authorities to foreign authorities come to the Liaison Office from OSH (labour) inspectors of the regional occupational safety and health authorities. Likewise, the Finnish OSH (labour) inspectors of the regional occupational safety and health authorities usually answer to the questions of the foreign authorities. The Liaison Office is mainly an intermediary between the Finnish regional occupational safety and health authorities and the foreign authorities.

### **The duties of the Liaison Office**

The duties of the Finnish liaison office are:

- To send and to receive information requests made by Finnish OSH (labour) inspectors or foreign authorities related to posting cases via the IMI system.
- To answer to questions about Finnish posting legislation made by foreign companies and workers.

The officials in the Liaison Office take care of the Liaison Office's duties alongside their other, main work duties.

### **Information requests between authorities**

Before the IMI system started (spring 2011) Finland sent by post only few information requests to other countries and received requests even more seldom. When the IMI pilot started, Finland decided to be more active, because the need for cross border cooperation was and still is real and is becoming

greater. Between the period from May 2011 to May 2013, Finland has sent 39 IMI request and received 2 IMI requests.

Usually Finland uses IMI system if a posting company doesn't have a representative or the representative neglects his/her obligations and Finnish OSH (labour) inspectors can't have the information which they need for their inspection. There can be also other kinds of cases.

### **The role of Finnish social partners in IMI process**

In principle, Finnish social partners don't have a role in the IMI information exchange process. But, in practice, it may happen that the Finnish OSH (labour) inspectors need to ask advice from the social partners when answering an IMI request which is related to some collective agreement. That's because, according to the Finnish Employment Contracts Act (55/2001), the regional occupational safety and health authorities must act in close cooperation with the social partners in particular when supervising the observance of generally applicable collective agreements.

### **Future prospects of the Finnish Liaison Office**

In the near future the main responsibility of using the IMI system in Finland is going to be transferred from the Liaison Office to the OSH (labour) inspectors of the regional occupational safety and health authorities. This change speeds up the information exchange process. The Ministry/ Department for OSH will remain as a coordinator of the IMI cases.

In addition, it is possible that the whole Finnish Liaison Office moves in the future from the Ministry to some OSH division, but actual plans or decisions have not been made yet.

## **3. Partnerships**

### **National partnerships**

In Finland the occupational safety and health administration cooperates with the other Finnish authorities, such as the Finnish Centre for Pensions (social security authority), the Tax Administration, the Finnish Immigration Service, Police and the Centre for Economic Development, Transport and the Environment.

The authorities don't have any official partnership agreements and usually the cooperation is based on current needs and can be carried out at national or regional level. However, there are some cooperation practices, for example, on joint inspections to the workplaces and on exchanging information between authorities. Confidential information can be exchanged only if an authority has a right to access it. In

practice, the rights of different Finnish authorities vary and that may create obstacles to information exchange.

The Finnish occupational safety and health administration (and the other authorities too) cooperate also with the Finnish social partners, especially on the construction sector. The occupational safety and health administration have regular meetings with the Confederation of Finnish Construction Industries RT and the Finnish Construction Trade Union. Finland has had these meetings in the field of construction for more than five years. The Finnish Association of Building Owners and Construction Clients (RAKLI) participate to this cooperation too. <http://www.rakli.fi/en/rakli/>.

These meetings are being held from 2 to 4 times a year and they focus on the grey economy in the field of construction.

### **International partnerships**

Finland doesn't have any bilateral or multilateral cooperation agreements at the moment, but Finland is willing and open to international cooperation between authorities and social partners.