

Enforcement of the posting of workers and notifications of posting in 2022

Report

Summary

The occupational safety and health authority, in other words the Divisions of Occupational Safety and Health at Regional State Administrative Agencies supervise foreign companies posting workers to Finland and their contractors. In addition, the occupational safety and health authority receives notifications of posting, which the posting company must submit before posted workers begin their work in Finland. This report describes enforcement and the notifications submitted to the occupational safety and health authority in 2022.

In 2022, a total of 296 inspections related to the posting of workers were carried out. Posting employers were given the most written advice on deficiencies observed in their reporting obligation. A large number of non-conformances were also observed in pay, working time records and the minimum terms of employment. A large number of items of written advice related to the pay of posted workers and working time records were also issued in 2021.

The prohibition of discrimination was enforced in 80 inspections of posting companies. Of these, 11 inspections revealed violations related to the prohibition of discrimination, and the employer was issued written advice or an improvement notice. This does not mean that there has been no discrimination in other cases, as there is often no real possibility for supervising the minimum terms of employment due to e.g. inadequate working time records. In fact, obligations arising from inadequate working time records and shift rosters or absence of them were often imposed during inspections.

The occupational safety and health authority may impose a negligence fee on the posting company for certain cases of negligence. In 2022, a negligence fee was proposed/considered in 49 cases. A total of EUR 155,000 in negligence fees was imposed in 34 cases. In two cases, a negligence fee was not imposed. Some of the processes are still ongoing. The highest number of negligence fees was imposed for failing to comply with the reporting obligation.

A posting company has to notify the occupational safety and health authorities when posting workers to Finland. In 2022, the occupational safety and health authorities received more than 18,300 notifications from 49 countries. The number of notifications increased significantly from the previous year. Estonia, Germany and Lithuania were the three largest countries of origin.

The Regional State Administrative Agency for Southwestern Finland Occupational Safety and Health Division acts as the contact authority for posted workers in Finland. In 2022, the contact authority responded to clients 481 times. Most of the contacts were related to the scope of application of the Act, the notification obligation and the obligations of the posting company. The right of third-country nationals to work as posted workers in Finland was also often a topic of questions. The EU Road Transport Mobility Package introduced new obligations in the Act on Posting Workers, which caused an increase in the number of questions related to posting in the transport sector.

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1. The OSH authority supervises

The occupational safety and health (OSH) authority is responsible for supervising compliance with the Act on Posting Workers (447/2016) and imposing a negligence fee as an administrative sanction for negligence specified in the Act.

The OSH authority also receives advance notifications on posting, with the exception of notifications on road transport subcontracting, which are submitted in the European Commission's portal for posting of road transport workers.

Enforcement related to posting of workers focuses on

- posting companies
- contractors who have concluded agreements with a posting company
- if necessary, the main contractor or builder, if the posted worker asks for clarification concerning their salary.

In its enforcement, the occupational safety and health authority assesses whether the situation in question is a posting as defined in the Act on Posting Workers and whether the Act on Posting of Workers applies.

As a rule, enforcement related to the posting of workers is carried out at the initiative of the authorities. In 2022, a total of 296 inspections related to posting were carried out.

The enforcement measures are determined in accordance with the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces 44/2006. Provisions on administrative penalties, i.e. the negligence fee, are laid down in the Act on Posting Workers.

This report describes the enforcement of the posting of workers by the occupational safety and health authority in 2022. The report describes enforcement figures and observations. In addition, the phenomenon of posting is described on the basis of advance notifications of posting.

In 2022, enforcement was carried out in the following nationally agreed projects:

- In-depth enforcement of posting companies (terms of employment)
- Limited enforcement of posting companies
- Enforcement of the notification obligation of posting companies
- Enforcement of contractors of posting companies.

The report is based on the actual enforcement carried out by the Divisions of Occupational Safety and Health. The figures are based on reports drafted in January 2023 containing information for the period from 1 January to 31 December 2022. The graphs and tables illustrating inspection activities include a comparison with 2021.

The enforcement of posting companies is part of the occupational safety and health authority's enforcement of foreign labour. The national project plan did not set quantitative targets for the aforementioned projects. Each OSH Division carried out enforcement related to the posting in accordance with the resources available to it for the enforcement of foreign labour in its own area.

It is apparent from the findings made during enforcement that many non-compliances are still observed in the submission of notifications of postings. The most common reason for issuing written advice was non-compliances related to notifications. The highest number of negligence fees was also imposed for negligence concerning the notification obligation. This is partly due to the fact that inspections are also selected on the basis of notifications. However, the obligation to notify is not a new obligation for the posting company, so it is noteworthy that there is still a lot to correct.

In addition to enforcement and responding to customer questions, efforts are also made to influence compliance with the Act on Posting Workers by other means. For example, in June 2022, the contact authority organised the *Posted workers and terms of employment in Finland* webinar for posted workers, which received very good feedback. Its recording and materials are still available and can be found at www.tyosuojelu.fi/live16.

In 2022, amendments were introduced to the Act on Posting Workers concerning subcontracting situations in road transport. The changes increased the need for advisory services.

OSH divisions at the Regional State Administrative Agencies:

1 | Northern Finland

(North Ostrobothnia, Kainuu, Lapland)

2 | Western and Inland Finland

(Pirkanmaa, Central Finland, South Ostrobothnia, Central Ostrobothnia, Ostrobothnia)

3 | Eastern Finland

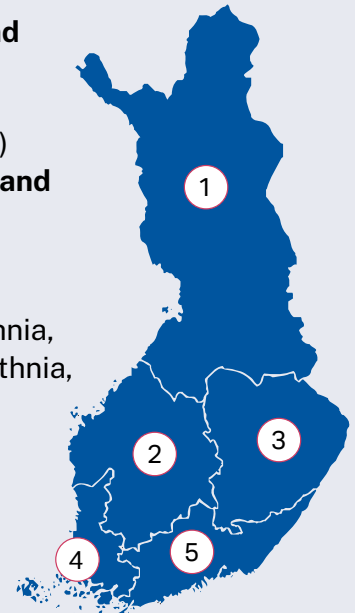
(South Savo, North Savo, North Karelia)

4 | Southwestern Finland

(Satakunta, Southwest Finland, Åland)

5 | Southern Finland

(Uusimaa, Kanta-Häme, Päijät-Häme, Kymenlaakso, South Karelia)



2. Supervisory activities on the initiative of authorities

In 2022, almost 300 inspections were carried out to supervise the posting of workers. The largest number of inspections were carried out in the project on the enforcement of contractors of posting companies (180 inspections) and the second largest in the project on the in-depth enforcement of posting companies (89 inspections). Limited enforcement of posting companies was carried out during 20 inspections. Seven inspections focused solely on the notification obligation.

In 2022, enforcement initiated by the authorities was based on four national projects. Posting companies were mainly supervised by means of a so-called extensive project that checks the fulfilment of the minimum terms of employment of posted workers. In-depth enforcement includes the enforcement of the following matters:

- specific obligations relating to the posting by a posting company: the obligation to notify, the appointment of a representative and the availability of information during the posting;
- realisation of the minimum terms of employment of posted workers: terms of employment, pay and working hours records
- accident insurance
- arrangement of occupational health care services.

As a rule, enforcement related to the posting of workers is carried out at the initiative of the authorities.

The limited enforcement of the posting company only included the enforcement of the specific obligations of the posting company for which a negligence fee may be imposed:

- Notification obligation
- Appointment of a representative
- Keeping information available for the duration of posting

The obligation to notify was supervised alone mainly in exceptional situations where the posting company has not been reached for the purpose of carrying out the inspection or, despite efforts, not all information is available for the inspection.

When supervising the contractor of a posting company, enforcement focused on determining whether the contractor had ensured that the posting company was informed of its obligation to notify and to appoint a representative. The duty of care includes providing information on the aforementioned obligations, but the contractor does not need to ensure that a notification has been submitted and a representative has been appointed.

2.1 In-depth enforcement of posting companies

In 2022, in-depth enforcement of posting companies was carried out during 89 inspections. In-depth enforcement also includes determining whether the minimum terms of employment have been implemented. The number of inspection sites is smaller than the number of inspections,

as inspections were carried out at inspection sites where several employers work (construction sites, shipbuilding industry). The number of inspections increased slightly from the previous year.

69% of inspections were carried out in the regions of the Regional State Administrative Agencies of Southern Finland and Southwestern Finland. This corresponds to the distribution of advance notifications among the Divisions: 60% of notifications concerned work in these areas.

Number of inspections and inspection sites in the in-depth enforcement of posting companies

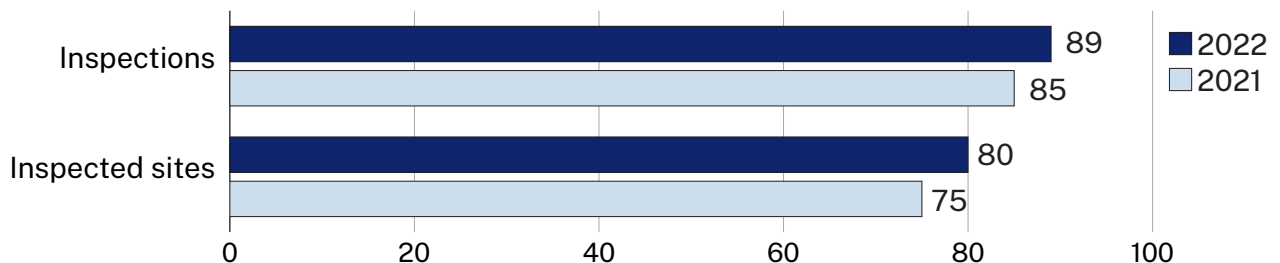


Figure 1. Number of inspections and inspection sites in Finland in 2021 and 2022 in the in-depth enforcement of posting companies. Source: Enforcement information system Vera.

Number of inspections in the in-depth enforcement of posting companies

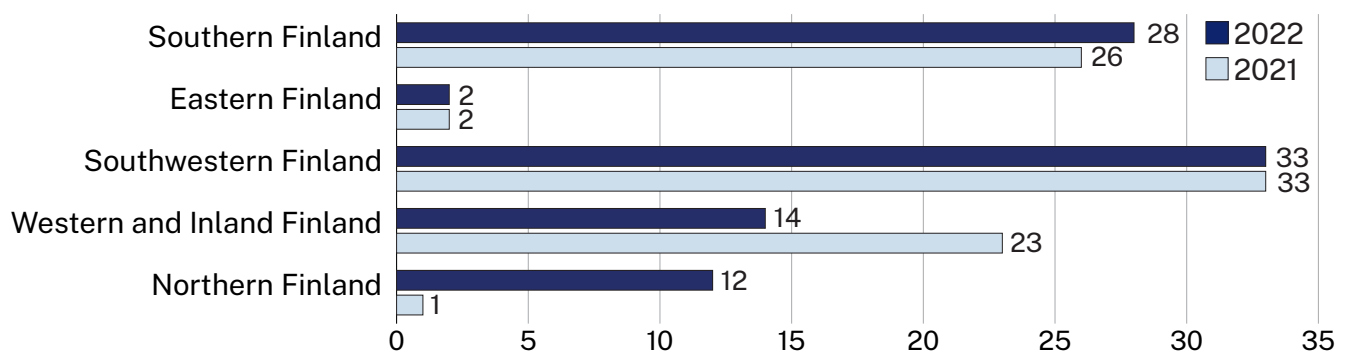
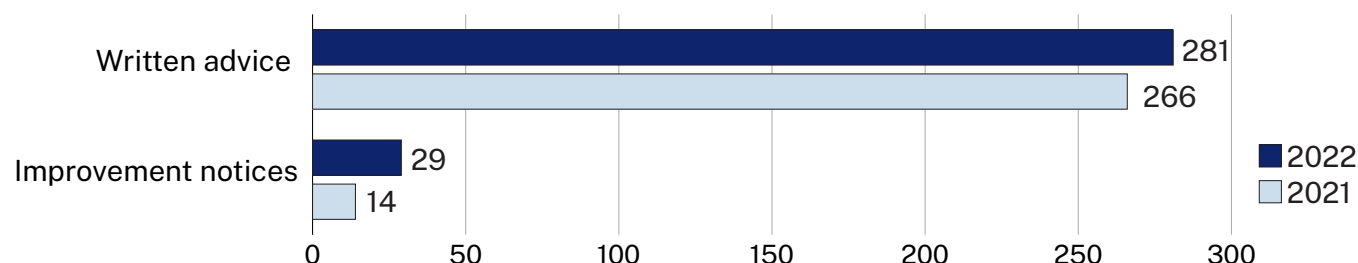


Figure 2. The number of inspections by the Divisions of Occupational Safety and Health of Regional State Administrative Agencies in 2021 and 2022 in the in-depth enforcement of posting companies. Source: Enforcement information system Vera.

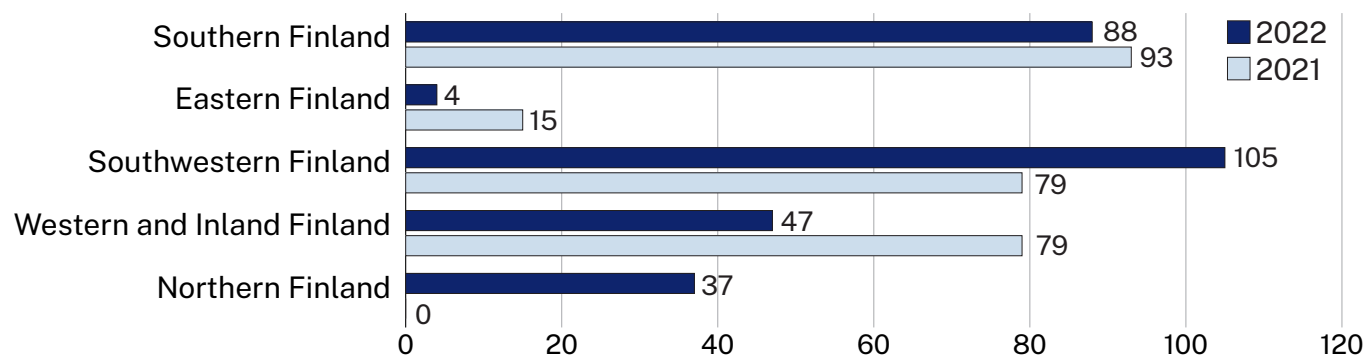
The number of obligations imposed varies very little year to year. The number of written advice items and improvement notices issued in Northern Finland increased, as the number of inspections increased from 2021. As regards Southwestern Finland, the increase in written advice items is believed to be due to a substantial number of new posting companies entering the labour market, which are not familiar with the obligations of the posting company.

The OSHh inspector issues an improvement notice with a deadline instead of written advice for the most serious non-conformances. The use of improvement notices for posting companies differs from normal enforcement, as the duration of a posting affects whether an improvement notice is issued. In the case of a short-term posting, it is not advisable to issue an improvement notice because enforcement cannot be performed after a posting ends. For this reason, written advice is issued more often.

Number of items of written advice and improvement notices issued in the in-depth enforcement of posting companies



Written advice (number)



Improvement notices (number)

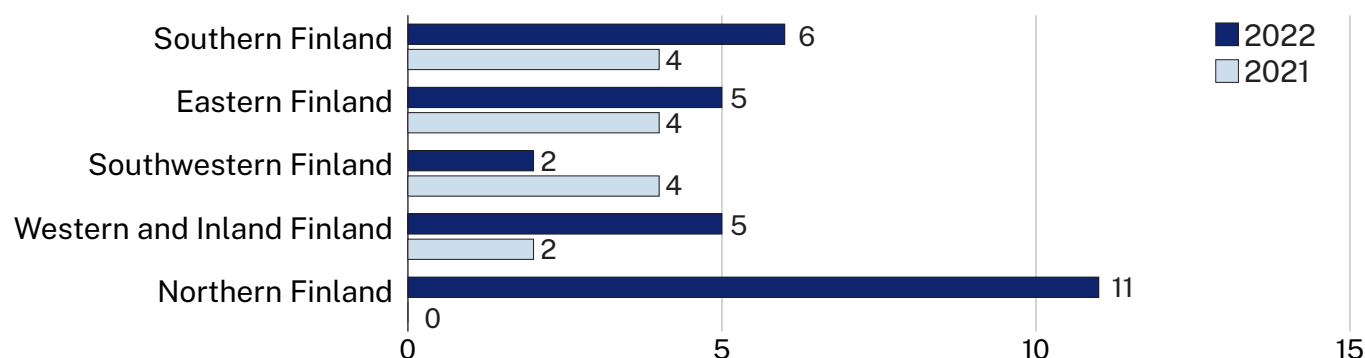


Figure 3. Number of items of written advice and improvement notices in 2021 and 2022 issued in the in-depth enforcement of posting companies. Source: Enforcement information system Vera.

A total of 256 items of written advice and 31 improvement notices were issued to posting companies for issues on the list of issues to be inspected in the project. 14 improvement notices were also transferred to administrative preparation for an obligating decision. In addition, 25 items of written advice and 2 improvement notices were issued on other matters supervised by the OSH authority. Compared to 2021, the number of written advice items decreased slightly, but the number of improvement notices and matters transferred to administrative preparation increased.

The largest number of written advice items was

issued on notifications of posting workers, the pay of posted workers, the working hours records and the principal terms of employment. The largest number of improvement notices were issued on working hours records and the provision of occupational health care.

In addition to the so-called basic pay, attention should also be paid in future enforcement to the elements of pay specified in collective agreements and compensation related to working hours, such as overtime pay. Correctly kept working time records ensure that a worker's minimum terms of employment are realised.

Number of items of written advice, improvement notices and cases transferred to administrative preparation in the in-depth enforcement of posting companies

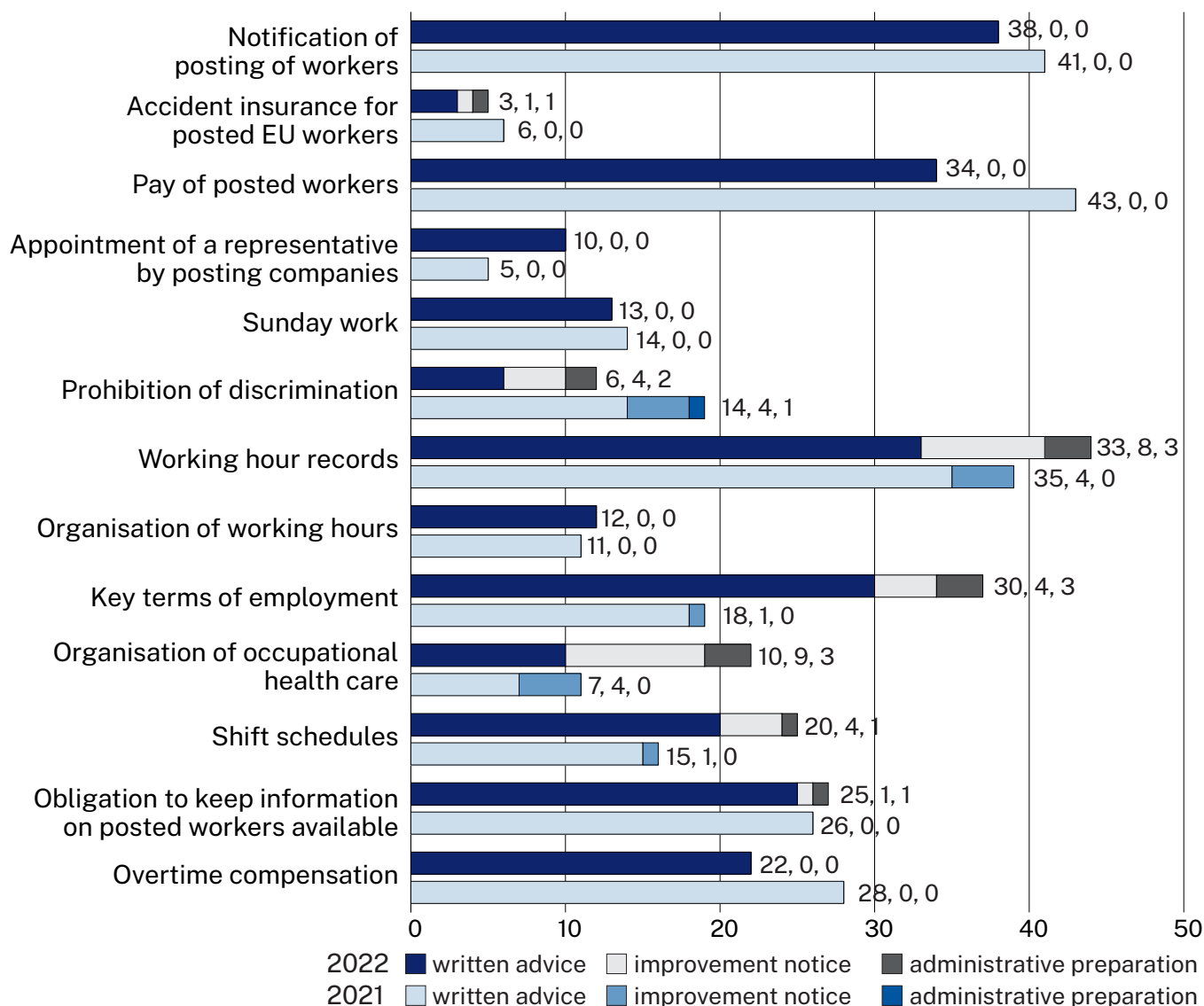


Figure 4. The number of items of written advice and improvement notices issued on different matters and number of cases transferred to administrative preparation in 2021 and 2022 in the scope of the in-depth enforcement of posting companies. Source: Enforcement information system Vera.

2.2 Limited enforcement of posting companies

In 2022, limited enforcement of posting companies was carried out during 20 inspections. Limited enforcement focuses on the posting company's obligations for which a negligence fee may be imposed.

55 per cent of limited enforcement inspections were carried out in the area of the Regional State Administrative Agency for Southwestern Finland. As no quantitative targets were set for the sub-projects in project groups and the divisions focused inspections according to their own resources, some of the divisions did not carry out inspections in the limited project.

The number of obligations imposed is directly proportional to the number of inspections. In 2022, fewer limited enforcement inspections were carried out than in 2021, so there were also fewer obligations imposed.

A negligence fee may be imposed on posting companies in the following situations:

- The notification obligation has been neglected. The negligence may involve the employer not submitting a notification.
- The obligation to appoint a representative has been neglected. The negligence may involve the employer not having a representative in Finland.
- The obligation to keep information on posted workers available has been neglected. The negligence may involve the employer not having all the documents required by law.
- The provision of information to the OSH authority has been neglected. The negligence may involve the employer not providing documents to the OSH authority during an inspection.

Number of inspections and inspection sites in the limited enforcement of posting companies

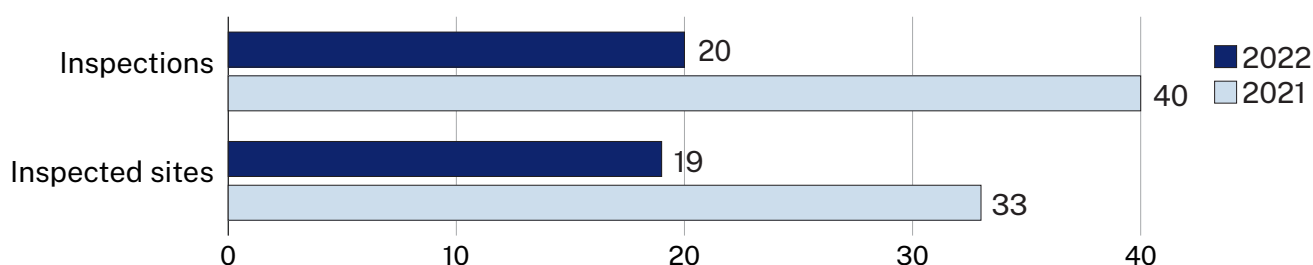


Figure 5. Number of inspections and inspection sites in Finland in 2021 and 2022 in the in-depth enforcement of posting companies. Source: Enforcement information system Vera.

Number of items of written advice and improvement notices in the limited enforcement of posting companies

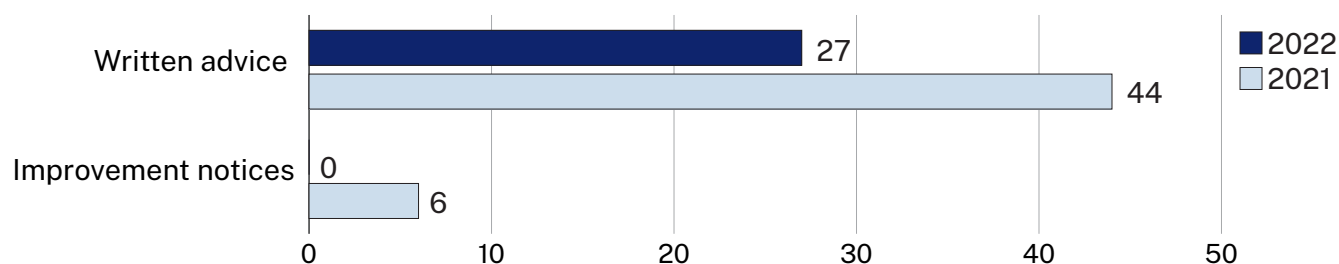


Figure 6. Number of written advice items and improvement notices in 2021 and 2022 in the limited enforcement of posting companies. Source: Enforcement information system Vera.

The largest amount of written advice were issued to posting companies in the scope of limited enforcement due to the notification of posting workers and the company's obligation to keep

information on posted workers available. One improvement notice was issued negligence to appoint a representative and one case was transferred to administrative preparation.

Number of items of written advice, improvement notices and cases transferred to administrative preparation in the limited enforcement of posting companies

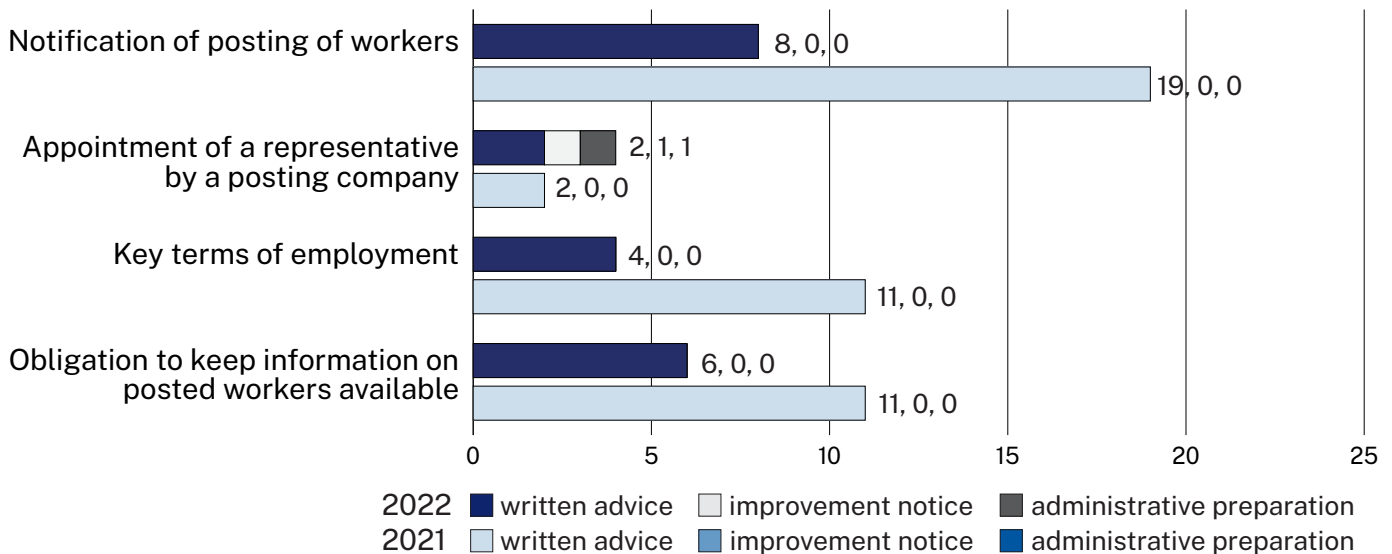


Figure 7. The number of items of written advice and improvement notices issued on different matters and number of cases transferred to administrative preparation in Finland in 2021 and 2022 in the scope of the limited enforcement of posting companies. Source: Enforcement information system Vera.

2.3 Enforcement of the notification obligation of posting companies

Seven inspections focused solely on the posting company's notification obligation. There is no comparison to 2021, as the project was not national at the time.

Inspections that focused on the notification obligation were not carried out by all divisions. The distribution is even between the divisions were involved in the project.

Enforcement of solely the notification obligation was carried out in situations where the posting company could not be inspected for a broader range of negligence, for example due to their failure to provide information.

Written advice was issued during every inspection concerning the posting company's notification obligation, as companies had neglected their notification obligation entirely or in part. In other words, a total of 7 items of written advice were issued for the notification obligation and 2 for other reasons. No improvements were issued, and no cases were transferred to administrative preparation.

Number of inspections and inspection sites in the enforcement of the posting companies' notification obligation

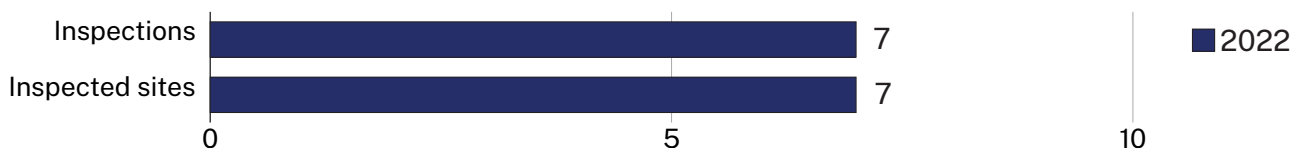


Figure 8. Number of inspections and inspection sites in Finland in 2022 in the enforcement of the posting companies' notification obligation. Source: Enforcement information system Vera.

Number of items of written advice and improvement notices in the enforcement of posting companies' notification obligation



Figure 9. Number of items of written advice and improvement notices in 2022 in the enforcement of posting companies' notification obligation. Source: Enforcement information system Vera.

2.4 Enforcement of the contractors of posting companies

In 2022, the contractors of posting companies were supervised during 180 inspections. The contractor's obligations were checked in connection with other occupational safety and health inspections after it had been determined that the company inspected was also the contractor of the posting company.

86 per cent of the inspections focusing on contractors were carried out in the areas of the Regional State Administrative Agencies of Southern Finland and Southwestern Finland. In Southern Finland, this is due to the contractor's obligations often being enforced in connection with construction site inspections, of which there is a large number in Southern Finland. In the area of Southwestern Finland, inspections focused deliberately on contractors, as the actions of the con-

Enforcement that focused on the contractors of posting companies nearly doubled in 2022 compared to 2021.

tractors have an impact on the posting companies getting information on their notification obligation and their obligation to appoint a representative before the start of work.

The number of obligations imposed is directly proportional to the number of inspections. In 2022, more inspections that focused on contractors were carried out than in 2021, so the number of obligations also increased. According to the provisions of the Act on Occupational Safety and Health Enforcement, it is not possible to issue improvement notices on matters to be monitored on the project's agenda.

Number of inspections and inspection sites in the enforcement of contractors of posting companies

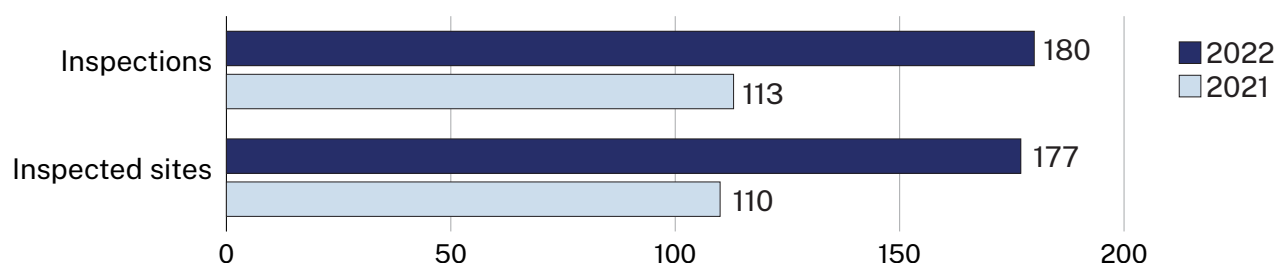


Figure 10. Number of inspections and inspection sites in Finland in 2021 and 2022 in the enforcement of contractors of posting companies. Source: Enforcement information system Vera.

Number of items of written advice in the enforcement of contractors of posting companies

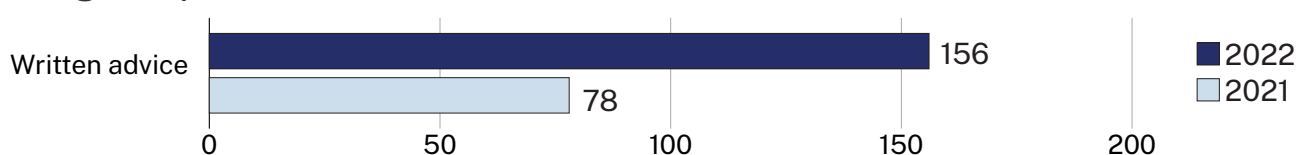


Figure 11. Number of items of written advice issued in Finland in 2021 and 2022 in the enforcement of contractors of posting companies. Source: Enforcement information system Vera.

Written advice was issued to contractors a total of 102 times during inspections. The largest number of written advice were issued on the contractor's duty of care in ensuring companies submitted a

notification. No improvement notices were issued, and no cases were transferred to administrative preparation. Enforcement focusing on contractors nearly doubled in 2022 compared to 2021.

Items of written advice issued in the enforcement of contractors of posting companies (number)

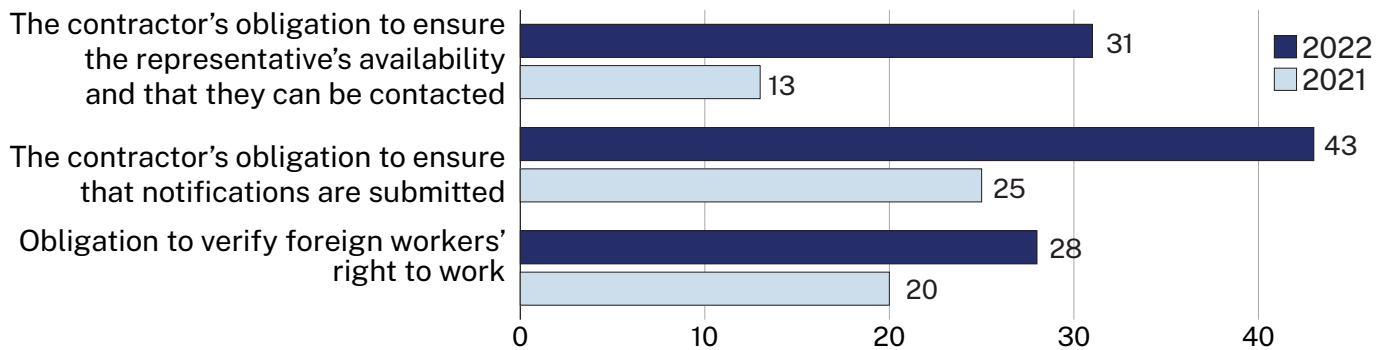


Figure 12. Number of items of written advice issued on different matters in 2021 and 2022 in the enforcement of contractors of posting companies. Source: Enforcement information system Vera.

2.5 Focus of inspections by sector

The summary of the sectoral division takes into account all national projects on the enforcement of posting. The focus inspections in different sectors corresponded to the sectoral distribution of posting notifications submitted by companies. The largest number of notifications of posting were

submitted in the main categories of construction and industry. Most inspections also focused on these same industrial categories.

More inspections were carried out in 2022 in the construction sector than in 2021, which is due to such things as an improvement in the COVID-19 epidemic situation. Otherwise, no major changes took place in the division of sectors.

Number of inspections concerning posting of workers by sector

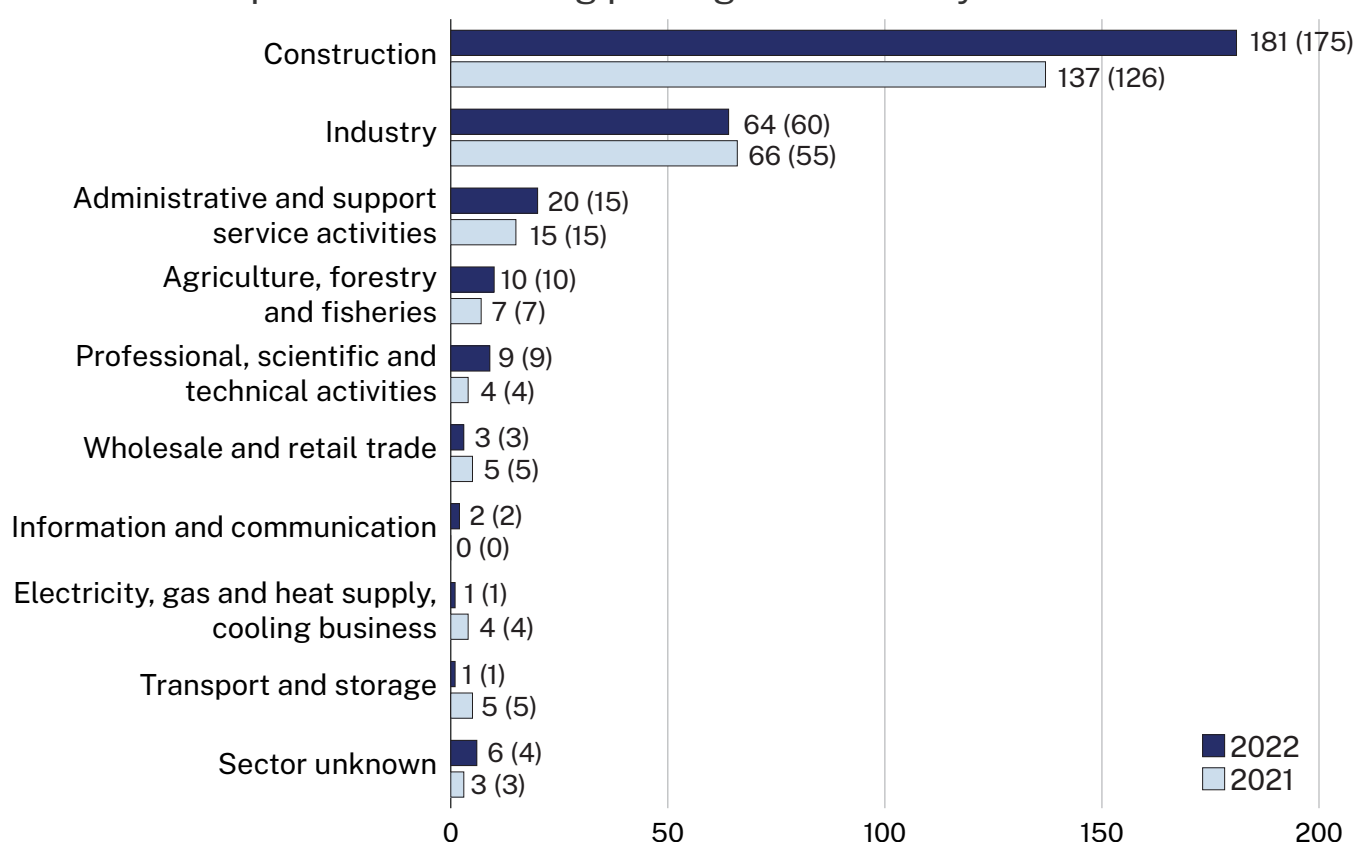


Figure 13. Number of inspections concerning posting of workers by sector in Finland in 2021 and 2022. Number of inspected sites in parentheses. Source: Enforcement information system Vera.

3. Negligence fees

The negligence fee is an administrative sanction that can be imposed for non-compliances laid down in law observed during inspections. A negligence fee may be imposed on the posting company or the contractor for violating the Act on Posting Workers. In addition, in certain cases, a negligence fee may also be imposed on the builder or the main contractor in the construction sector.

This chapter describes both the inspections carried out in 2022, in which a negligence fee has been proposed and the fees imposed by the Divisions of OSH during the year.

The inspector may submit a proposal on imposing a negligence fee on a company to the occupational safety and health authority. The company in question is consulted in accordance with the Administrative Procedure Act before the occupational safety and health authority makes a decision on whether to impose the fee. This process is still ongoing for many of the inspections carried out last year. For this reason, the report contains separate numbers on inspections in which a negligence fee has been proposed and on negligence fee decisions. Chapter 3.2 covers the number of negligence fee decisions. The Legal Register Centre is responsible for the collection of these fees.

As a result of the inspections, a negligence fee was proposed in a total of 49 cases. The number increased slightly from 2021.

A negligence fee may be imposed in the following situations:

- The notification obligation has been neglected. The negligence in question can be that the employer does not submit a notification.
- The obligation to appoint a representative has been neglected. The negligence in question can be the employer does not have a representative in Finland.
- The obligation to keep information available during posting has been neglected. The negligence may involve the employer not having all the documents required by law.
- The provision of information to the OSH authority has been neglected. The negligence may involve the employer not providing documents to the OSH authority during an inspection.

Consideration of a negligence fee

OSH Division	2021	2022
Etelä-Suomi	11	15
Itä-Suomi	2	1
Southwestern Finland	26	23
Western and Inland Finland	6	8
Northern Finland	0	2
Total	45	49

Table 1. Number of inspections resulting in a proposal for the imposition of a negligence fee in 2021 and 2022. Source: Enforcement information system Vera.

3.1 Grounds for a negligence fee

The Act on Posting Workers defines certain cases of negligence for which a negligence fee may be imposed. Based on the inspection findings, the imposition of the fee was proposed in 2022 on the basis of five different cases of neglect. The imposition of a negligence fee on the posting employer was proposed on the basis of four different grounds during the year: neglect of their notification obligation, neglect of their obligation to appoint a representative or neglect of their obligation to keep information available, or neglect to provide information to the occupational safety and health authority after the posting had ended. The imposition of a negligence fee on the contractor was proposed on the grounds that the contractor had not ensured the representative could be contacted.

Yleisin syy laiminlyöntimaksun harkinnalle oli työntekijöiden ilmoittamisvelvollisuuden laiminlyönti. Tällä perusteella laiminlyöntimaksua harkittiin 40 tapauksessa, mikä oli yli puolet kaikista laiminlyönneistä. Näillä tarkastuksilla havaittiin, ettei ilmoitusta lähettämisestä ollut tehty tai ilmoitus oli ollut puutteellinen.

Failure to keep information and reports available led to the consideration of a negligence fee in 15 inspections. This means e.g. that information on the working hours and wages of posted workers have not been kept available during the posting.

In 12 cases, the posting **company** neglected to appoint a representative. This means that the representative referred to in the Act was not present in Finland during the posting.

The findings on these three issues were very similar to those in 2021.

In 2022, a negligence fee was also proposed on two new grounds compared to previous years. Five inspections found that the requested information on the work of posted workers was not provided to the occupational safety and health authority after the posting. It has only been possible to impose a negligence fee for this issue starting from February 2022, when an amendment to the Act on Posting Workers entered into force. Failure to submit information was not previously sanctioned with a negligence fee, which is why there is no comparative data for 2021.

One inspection also found that the contractor had neglected its obligation to find out how to reach the representative of the posting company.

Issues due to which a finding of negligence was considered (number)

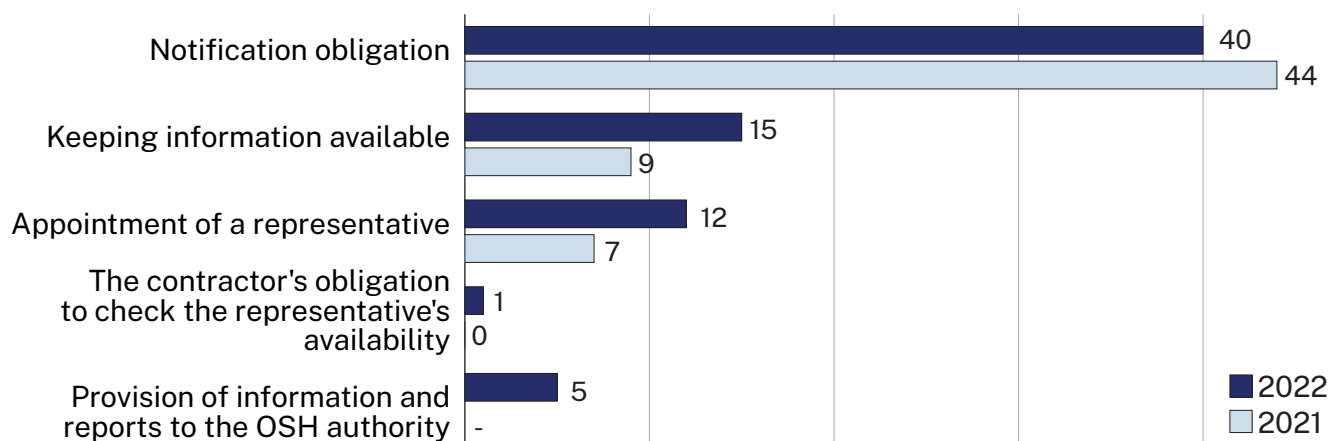


Figure 14. Issues due to which a finding of negligence was considered in 2021 and 2022. Source: Enforcement information system Vera.

3.2 Number of negligence fees

In 2022, a total of 34 decisions were made on imposing a negligence fee in the Divisions of Occupational Safety and Health. All the negligence fees together totalled EUR 155,000. In addition, two decisions were made in which the negligence fee was waived. The table presents the number of negligence fees imposed in decisions made by all the OSH Divisions in 2022 due to a non-compliance with the Act on Posting Workers and the amounts of the fees in euros.

It should be noted that decisions on negligence fees may be reported for a different year than the inspection. There was no major change to the 35 negligence fee decisions made in 2021, on the basis of which a total of EUR 173,000 were to be paid.

Nearly 60 per cent of the negligence fee decisions were made by the Division of Occupational Safety and Health of the Regional State Administrative Agency for Southwestern Finland. Southwest Finland accounted for 37 per cent of the in-depth inspections of postings and 55 per cent of limited inspections of postings.

Number of negligence fee decisions		
OSH Division	2021	2022
Southern Finland	8	8
Eastern Finland	4	0
Southwestern Finland	12	20
Western and Inland Finland	7	4
Northern Finland	2	2
Total	35*	34

* two decisions recorded in 2021 after the figures were taken

Total of negligence fee decisions (EUR)		
OSH Division	2021	2022
Southern Finland	32,500	46,500
Eastern Finland	22,000	0
Southwestern Finland	60,500	80,500
Western and Inland Finland	34,000	17,500
Northern Finland	16,500	10,500
Total	173,000	155,000

Table 2. Number of negligence fee decisions related to posted workers and their amount in euros as observed by the Divisions of Occupational Safety and Health of the Regional State Administrative Agency. Payments related to some decisions made during the year will only become due the following year Source: Reporting on the activities of the Divisions of Occupational Safety and Health..

4. Notification of posting of workers

Before the work begins in Finland, the posting company must submit a notification of the posting of workers to the OSH authorities.

Notifications are submitted using the online form [Notification of Posting of Workers](#). The notification can be made as soon as the agreement on posting a worker has been concluded, but no later than before the work referred to in the agreement begins. If the information that has been notified changes significantly, a requirement for the work to continue is that the posting company submits a supplementary notification as soon as such changes occur.

Should the posting company neglect its notification obligation, it will be obligated to pay a negligence fee.

4.1 First and supplementary notifications

More than 18,300 notifications of posting workers to Finland were submitted in 2022. 59% of notifications were first notifications, while the remaining 31% were supplementary notifications.

The number of notifications increased especially in the Division of Occupational Safety and Health at the Regional State Administrative Agency for Northern Finland. This was in particular influenced by large factory projects in the region, which accounted for a large number of notifications in 2022.

The notification must specify:

- the posting company's identification details, contact information, foreign tax identification number and information on the responsible persons in the country where the company posting the worker is located
- the identification details and contact information of the contractor
- the identification details and contact information of the builder and the general contractor in the case of building work;
- the personal data needed for the identification of each posted worker, meaning the personal identity code, tax number in their country of residence and the tax number issued by the Finnish Tax Administration in the construction sector, as well as the dates of the start and end of the posting or its estimated end date
- as referred to in Section 8 of the Act on Posting Workers (447/2016), or information about the grounds under which a representative need not be appointed;
- the location or locations where the work will be performed
- the sector in which the posted worker will work.

Notifications of posting				
OSH Division	First notification	Supplementary notification	Total	Change from 2021
Southern Finland	4,078	1,960	6,038	+ 24,7 %
Eastern Finland	436	191	627	+ 95,3 %
Southwestern Finland	2,508	2,248	4,756	+ 115,0 %
Western and Inland Finland	1,428	976	2,404	+ 74,8 %
Northern Finland	2,405	2,107	4,512	+ 265,6 %
Total	10,855	7,482	18,337	+ 83,3 %

Table 3. Number of notifications of postings to different OSH Divisions of the Regional State Administrative Agencies in 2022 and the change compared to 2021.

4.2 Home country of posting company

First notifications were submitted by companies from 49 different countries. The highest number of notifications in 2022 were submitted by companies based in Estonia, Germany, Lithuania, Poland and Romania. In 2021, the top five countries were Estonia, Germany, Poland, Lithuania and Denmark.

In particular, the number of notifications from Lithuania and Romania increased significantly, while the number of notifications from Estonia and Germany increased well below the average.

For Poland, the decrease in the number of first notifications is partly due to Polish companies submitting more supplementary notifications than others.

First notifications were submitted by companies from 49 different countries.

The highest number of notifications were submitted by companies based in Estonia, Germany, Lithuania, Poland and Romania.

Country of origin of companies		
Country	First notification	Change from 2021
1. Estonia	2,841	+ 11,8 %
2. Germany	1,972	+ 31,4 %
3. Lithuania	1,795	+ 178,7 %
4. Poland	638	- 5,9 %
5. Romania	446	+ 369,5 %
6. Denmark	384	+ 70,7 %
7. Latvia	322	+ 142,1 %
8. Czech Republic	289	+ 318,8 %
9. Sweden	288	+ 33,3 %
10. United Kingdom	241	+ 159,1 %
11. Slovakia	224	+ 600,0 %
12. Italy	168	+ 7,0 %
13. India	165	+ 150,0 %
14. Austria	159	+ 47,2 %
15. Spain	149	+ 91,0 %
16. Portugal	95	+ 93,9 %
17. Netherlands	86	+ 28,4 %
18. Switzerland	81	+ 88,4 %
19. Slovenia	80	+ 70,2 %
20. Norway	67	+ 179,2 %
Total other countries	306	

Table 4. Number of first posting notifications by a company's home country in 2022 and the change compared to 2021. Source: Enforcement information system Vera.

4.3 Reported sectors of work

Based on first notifications, the sectors in which there were the most posted workers in Finland in 2022 were still the following sectors of industry and construction: *Repair, maintenance and installation of machines and equipment, Specialised construction, Building construction, Other manufacturing and Manufacture of other vehicles.*

In 2021, *Land transport and pipeline transport* were fifth. The decrease in notifications for this sector is partly due to the notifications for sub-contracting of road transport being transferred to the European Commission's portal. With the amendments to the Act on Posting Workers that entered into force on 1 February 2022, it is now also easier to determine when notifications need not be submitted on road transport.

Reported fields of work		
Sector	First notification	Change from 2021
1. Repair, maintenance and installation of machines and equipment	2,242	+ 52,2 %
2. Specialised construction	2,062	+ 94,4 %
3. Building construction	1,757	+ 75,2 %
4. Other manufacturing	559	+ 14,6 %
5. Manufacture of other transport equipments	540	+ 20,0 %
6. Electricity, gas and heat supply, refrigeration business	448	+ 78,1 %
7. Manufacture of metal products, (excl. machines and equipment)	420	+ 56,7 %
8. Manufacture of other machines and equipment	310	+ 73,2 %
9. Activities of head offices; management consulting	281	+ 223,0 %
10. Other specialised business services	223	+ 66,4 %
11. Manufacture of paper, paper products and paperboard products	195	+ 290,0 %
12. Manufacture of metals	175	+ 307,0 %
13. Software, consultancy and associated services	159	+ 74,7 %
14. Architectural and engineering services; technical testing and analysis	144	+ 11,6 %
15. Civil engineering	139	- 4,1 %
16. Other personal services	105	+ 191,7 %
Others, total	1,027	

Table 5. Number of first posting notifications by sector in 2022 and the change compared to 2021.

Source: Enforcement information system Vera.

4.4 Notifications concerning the extension of the duration of posting

The posting company may submit a notification on the extension of the duration of posting, thus avoiding additional obligations arising from long-term posting, i.e. over a year, for a maximum period of six months. Unless a posting company submits a notification, the additional conditions for long-term posting shall be applied when the duration of the posting exceeds one year.

A total of 80 notifications on the extension of the duration of posting were submitted by 51 different companies. However, only eight of these were considered to have been notifications of an extension of the duration of the posting. Seven of these notifications gave the delay the completion of a project from the original schedule as the reason for the extension. One of the reasons was the expansion of a commission. The notified reasons complied with the grounds underlined in the Act.

The remaining 72 notifications were related to changes that took place during a posting of less than 12 months, and therefore these were not for postings lasting more than one year, for which an extension notification could be submitted. This raises the question of the need for providing more information on the notification in question, as such notifications should be made using the actual notification form for posting of workers. A notification of the extension of a posting does not include all the information that must be provided in a supplementary notification.

4.5 Number of posted workers notified by OSH Division

Based on the first notifications, the number of posted workers to Finland in 2022 was 30,410. The largest number of posted workers were employed in the area of the Regional State Administrative Agencies for Southern Finland and Southwest Finland, but this number increased the most in the area of the Regional State Administrative Agency for Northern Finland in 2022.

As of 1 October 2021, posting companies have been required to provide the identification details of the posted workers. Prior to this, the notifications only provided information on the estimated number of workers with an accuracy of five, and it was not necessary to notify individual employees unless the number of posted workers changed by more than five.

Both the number of notifications and posted workers has increased, but the increase in the number of posted workers is slower than the increase in the number of notifications. This is at least partly due to companies now having to submit notifications on individual posted workers more often than before.

Number of posted workers		
OSH Division	Number of workers	Change from 2021
Southern Finland	10 695	– 18,4 %
Eastern Finland	1 027	+ 15,1 %
Southwestern Finland	8 373	+ 71,0 %
Western and Inland Finland	4 019	+ 20,3 %
Northern Finland	6 296	+ 110,3 %
Total	30 410	+ 20,6 %

Table 6. Number of posted workers by Regional State Administrative Agency Division of Occupational Safety and Health in 2022 and change compared to 2021. Source: Enforcement information system Vera.

4.6 Number of posted workers notified by region

Based on the information provided on the workers for whom notifications had been submitted, the largest number of posted workers worked in Uusimaa, Southwest Finland, Lapland, Satakunta, Northern Ostrobothnia and Pirkanmaa.

The OSH Division of the Regional State Administrative Agency for Southern Finland observed a decrease in the number of posted workers in all its regions except South Karelia, where the number of posted workers increased slightly more than the national average.

A small decrease was only observed by the OSH Division of the Regional State Administrative Agency for Eastern Finland in North Karelia, as there was a significant increase in the number of posted workers in South and North Savo.

The significant increase in the number of posted workers observed by the OSH Division of the Regional State Administrative Agency for Southwestern Finland was apparent in Southwest Finland. A significant increase was also observed in Satakunta and small increases in Åland.

The significant increase in the number of posted workers observed by the OSH Division of the Regional State Administrative Agency for Western and Inland Finland was apparent in the Ostrobothnia region. With the exception of Pirkanmaa, there was also an increase in the number of workers in other regions.

A substantial increase in the number of posted workers was observed in the OSH Division of the Regional State Administrative Agency for Northern Finland, which is largely due to major factory projects in the area.

As a result of the growth in Lapland, the region's share of posted workers became significant. Growth was also higher than average in Northern Ostrobothnia. Kainuu's share of posted workers was clearly smaller, and during 2022 the number of employees decreased significantly compared to 2021.

OSH Division of the Regional State Administrative Agency for Southern Finland

Region	Employees	Change (%)
South Karelia	478	-18,4 %
Kanta-Häme	444	+ 15,1 %
Kymenlaakso	647	+ 71,0 %
Päijät-Häme	427	+ 20,3 %
Uusimaa	8 699	+ 110,3 %

OSH Division of the Regional State Administrative Agency for Eastern Finland

Region	Employees	Change (%)
South Savo	194	+ 37,6 %
North Karelia	275	-3,8 %
North Savo	558	+ 20,0 %

OSH Division of the Regional State Administrative Agency for Southwestern Finland

Region	Employees	Change (%)
Åland Islands	63	+ 6,8 %
Satakunta	2 662	+ 28,3 %
Southwest Finland	5 648	+ 104,5 %

OSH Division of the Regional State Administrative Agency for Western and Inland Finland

Region	Employees	Change (%)
South Ostrobothnia	639	+ 5,3 %
Central Ostrobothnia	580	+ 46,5 %
Central Finland	624	+ 15,6 %
Pirkanmaa	1 279	-7,6 %
Ostrobothnia	897	+ 116,1 %

OSH Division of the Regional State Administrative Agency for Northern Finland

Region	Employees	Change (%)
Kainuu	170	-29,5 %
North Ostrobothnia	2 124	+ 33,0 %
Lapland	4 002	+ 246,2 %

5. Contact authority

The Regional State Administrative Agency for Southwestern Finland Occupational Safety and Health Division acts as the contact authority for posted workers in Finland. It provides general advice on the legislation applicable in Finland concerning posting and advises clients on the correct authority to contact.

Advisory services are provided to companies posting workers to Finland, recipient companies in Finland and advice related to the posting of workers is provided to posted workers.

Please request advisory services by sending an email to postedworkersfin@avi.fi.

In 2022, customers received 481 responses. The number of responses increased by 11.9% (51 responses) compared to 2021. In addition to the advisory services provided the divisions, the amount of advisory services provided by the contact authority continued to increase steadily.

The EU Road Mobility Package introduced new obligations to the Act on Posting Workers. This increased the number of questions related to posting in the transport sector.

Most of the contacts were related to the scope of application of the law, the reporting obligation and the obligations of the posting company. The right of third-country nationals to work as posted workers in Finland was also often a topic of questions. The EU Road Transport Mobility Package introduced new obligations in the Act on Posting Workers, which caused an increase in the number of questions related to posting in the transport sector.

Appendix: Enforcement data by region

Table A. The number of inspections by the OSH Divisions of Regional State Administrative Agencies in 2021 and 2022 in the limited enforcement of posting companies. Source: Enforcement information system Vera.

OSH Division	2021	2022
Southern Finland	0	0
Eastern Finland	0	0
Southwestern Finland	38	11
Western and Inland Finland	2	3
Northern Finland	0	6
Total	40	20

Table B. The number of written advice imposed by the OSH Divisions of Regional State Administrative Agencies in 2021 and 2022 in the limited enforcement of posting companies. Source: Enforcement information system Vera.

OSH Division	2021	2022
Southern Finland	0	0
Eastern Finland	0	0
Southwestern Finland	44	25
Western and Inland Finland	0	2
Northern Finland	0	0
Total	44	27

Table C. The number of improvement notices imposed by the OSH Divisions of Regional State Administrative Agencies in 2021 and 2022 in the limited enforcement of posting companies. Source: Enforcement information system Vera.

OSH Division	2021	2022
Southern Finland	0	0
Eastern Finland	0	0
Southwestern Finland	6	0
Western and Inland Finland	0	0
Northern Finland	0	0
Total	6	0

Table D. The number of inspections by the OSH Divisions of Regional State Administrative Agencies in 2022 in the enforcement of the notification obligation of posting companies.

Source: Enforcement information system Vera.

OSH Division	2022
Southern Finland	2
Eastern Finland	2
Southwestern Finland	3
Western and Inland Finland	0
Northern Finland	0
Total	7

Table E. The number of written advice imposed by the OSH Divisions of Regional State Administrative Agencies in 2022 in the enforcement of the notification obligation of posting companies.

Source: Enforcement information system Vera.

OSH Division	2022
Eastern Finland	4
Itä-Suomi	2
Southwestern Finland	3
Western and Inland Finland	0
Northern Finland	0
Total	9

Table F. Distribution of inspections between the OSH Divisions of Regional State Administrative Agencies in 2021 and 2022 in the enforcement of contractors of posting companies.

Source: Enforcement information system Vera.

OSH Division	2021	2022
Southern Finland	77	114
Eastern Finland	4	4
Southwestern Finland	18	40
Western and Inland Finland	14	13
Northern Finland	0	9
Total	113	180

Table G. Distribution of written advice between the OSH Divisions of Regional State Administrative Agencies in 2021 and 2022 in the enforcement of contractors of posting companies.

Source: Enforcement information system Vera.

OSH Division	2021	2022
Southern Finland	47	100
Eastern Finland	5	3
Southwestern Finland	15	36
Western and Inland Finland	11	12
Northern Finland	0	5
Total	78	156

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