

Notification of the posting of a worker must be submitted to the OSH Authority starting 1 September 2017

The company posting workers to Finland must notify the occupational safety and health authority about the posting before the work begins as of 1 September 2017. The reporting duty is fulfilled by filling an electronic form on the Tyosuojelu.fi-website.

The notification can also be made to a private service provider, such as the service Tilaajavastuu.fi which forwards the information to the occupational safety and health authority.

Duty to report posting

The notification must be made when the posting of workers is based on an agreement concluded after 18 June 2016 and the posting of a posted worker begins after 1.9.2017.

The posting company must submit a notice no later than the beginning of the work, at latest on the same day as the contractual work begins. The notification can also be made in advance when the contract for the posting of employees is made.

The notification is contractor- and workplace-specific, that is, if the job is done in several locations or for several contractors a separate notification must be made for each of them.

No notification is required if posted workers are sent to Finland by internal transfer within a group of undertakings for up to five business days. When determining this five days' period, the duration of the current posting period and all previous posting periods (working time) for the last four months, during which workers of the same posting company have been working in Finland, will be considered.

In the construction sector, a notification must always be made, even if the posting is an internal transfer within a group.

A complementary notification must be made immediately if the information provided is substantially changed. Making a complementary notification is a prerequisite for the continuation of the work. The change is essential, for example, when there are changes concerning the representative, the workplace, the contract partner or the number of employee's.

In the construction sector, a prior notice and a complementary notification must also be submitted to the builder and the main contractor. For example, the posting company may, for example, send the confirmation received of the notification to those parties, including the information provided in the notification.

Information to be provided in the notification

The information required the law on the posting of workers ([447/2016](#)) is given in an e-form and includes

- Identifying details of the company, contact information, foreign tax identification number and information on the responsible persons of the posting company in the country where the company is established.
- Identifying details and contact information of the contractor
- Identifying details and contact information of the builder and the main contractor for companies in the construction sector
- Estimated number of posted workers
- Identifying details and contact information of the postings company's representative in Finland or information indicating why a representative must not be selected.
- Starting date of the posting of workers and the estimated duration of the posting
- Place where the work will be carried out
- Branch in which the worker will work.

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Negligence fee

The negligence fee is imposed if no advance notification has been made or is made inadequately or the complementary notification has not been made despite changes.

The default fee is € 1,000 to € 10,000. The amount depends on the nature, extent and frequency of the negligence. When considering a negligence fee, it will also be taken into account if apparently false or misleading information has been given deliberately or if the person reported to be the representative also is aware of this.

The compliance with the reporting duty is supervised by the Occupational Safety and Health Authority which also imposes a possible negligence fee.

A complementary notification must be made immediately if the information provided is substantially changed. Making a complementary notification is a prerequisite for the continuation of the work.

FOR MORE INFORMATION:

- > Tyosuojelu.fi > Posted worker > Reporting duty
www.tyosuojelu.fi/web/en/employment-relationship/posted-worker/reporting-duty
- > Tyosuojelu.fi > Notification of Posting of Workers (an electronic form)
www.tyosuojelu.fi/reportingduty
- > Act on Posting Workers
www.finlex.fi/en/laki/kaannokset/2016/en20160447

Definitions

Posting undertaking/company: the undertaking which is the employer of the posted worker.

Internal transfer within a group of undertakings: posting a worker to work for an establishment or undertaking located in another state and belonging to the same group of undertakings.

Contractor: an undertaking or other party which acquires services from a posting undertaking.

Builder: a person or an organisation engaged in a building project or directing or monitoring a building project.

Building work: construction, repair, upkeep, alteration or demolition of structures, including excavation, earthmoving, assembly and dismantling of prefabricated elements, fitting out and installation work, alterations, dismantling, maintenance, upkeep, painting and cleaning work, and improvements.