

iGlobal Law Annual Alert 2023 : Finland

Legal Change	Effective Date	Action required
<p>Amendments to the Occupational Safety and Health Act to further the continued employment of employees over the age of 55</p> <p>The aim of the government's proposal is to further the ability of people over 55 to cope with work and to reduce early exit from working life.</p>	<p>The Government's proposed amendments would enter into force on June 1st 2023 (not yet accepted).</p>	<p>Nothing at this stage but keep an eye on the legislative amendment proposal.</p>
<p>Securing the position of employees in cross-border restructuring of companies</p> <p>Government has submitted to Parliament its proposal to implement the provisions on safeguarding the position of employees under the EU Directive relating to certain aspects of company law concerning limited liability companies.</p> <p>The aim of the proposal is to safeguard the position of employees when the employer company plans or implements a cross-border merger, division or transfer of registered office. The provisions would ensure the:</p> <ul style="list-style-type: none"> • continuity of employees' rights based on employment relationship • existing right of employees to administrative representation • consultation of and provision of information to employees when the employer prepares a corporate restructuring 	<p>The Government's proposed amendments would enter into force on January 31st 2023 (not yet accepted).</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Overall consideration to help define employment relationships in unclear situations</p> <p>After an assessment of the basic criteria of a contractual employment relationship, it is not always clear whether the work is performed in an employment relationship or as independent self-employment.</p> <p>The Government proposes to specify the provision on the scope of application of the Employment Contracts Act by adding a provision that would require an overall consideration to be made in situations that are unclear and open to interpretation. No changes are proposed to the basic criteria for a contractual employment relationship.</p> <p>In situations open to interpretation, the existence of an employment relationship would be assessed based on an overall consideration that would take into account:</p> <ul style="list-style-type: none"> • terms of employment • conditions under which the work is performed 	<p>The amendment would enter into force on July 1st 2023 (not yet accepted).</p>	<p>Nothing at this stage.</p>

<ul style="list-style-type: none"> • objective of the parties concerning the nature of the legal relationship • other factors affecting de facto status of parties in a legal relationship. <p>The decision on the nature of the legal relationship is made based on all factors affecting the performance and commissioning of work. Therefore, designating a contractual employment relationship, as self-employment does not determine the nature of the legal relationship if the actual working conditions do not correspond with the designation.</p>		
<p>Whistleblower Protection Act (implementing the Whistleblowing Directive)</p> <p>The key objective of the Whistleblowing Directive and the Act is to encourage persons who have become aware of suspected breaches against public interest in a work-related context to report their observations. This is promoted by adopting a new centralised whistleblowing channel among the authorities and by obligating most organisations in the public and private sector to establish a confidential internal whistleblowing channel. In addition, whistleblowers will be protected from negative consequences.</p> <p><i>Please note:</i> A transition period of three months of the Act coming into force.</p> <p>Private sector employers regularly employing at least 50 employees will have to establish a whistleblowing channel by December 17th 2023.</p>	<p>The Act will come into force as soon as possible.</p>	<p>Private sector employers regularly employing at least 250 employees and public sector employers regularly employing at least 50 employees are obligated to set up a whistleblowing channel.</p> <p>In addition, the proposed Whistleblower Protection Act obligates organisations to provide detailed information on the whistleblowing channel, reporting process and the whistleblowers’ rights.</p> <p>In terms of risk management, each organisation should assess in advance how it will ensure that whistleblowers receive appropriate protection.</p>
<p>The possibility of personnel funds also in smaller workplaces</p> <p>The personnel fund is a fund owned and managed by employees, through which personnel can be rewarded. The government proposes that in the future the fund could be established if there are at least five employees and the company's turnover is at least 100,000 euros. Nowadays, the establishment of a personnel fund requires at least ten employees and a turnover of more than 200,000 euros.</p> <p>In the future, a personnel fund could also be established, even if the company's number of personnel or turnover does not initially meet the requirements. This would apply to situations where it can be considered obvious that the requirements will be met during the first three full financial years of the personnel fund. The exception would only apply to new companies established during the previous year.</p>	<p>The amendment would enter into force on April 2023 (not yet accepted).</p>	<p>Affected employers may want to ensure their staff are informed of this requirement.</p>

<p>The government also proposes that it would be possible to establish joint personnel funds of several companies under certain conditions.</p>		
<p>A new voluntary mediation for labour disputes</p> <p>The government proposes a new voluntary mediation for labour disputes, as well as clarifications on the parties' obligation to prepare for mediation.</p> <p>Currently, mediation usually starts based on a notice of industrial action filed by a party to a labour dispute. In the future, the national conciliator could, at the request of a party or parties, accept a labour dispute for mediation even when it does not involve industrial action nor the threat of endangering labour peace.</p> <p>In the future, the parties to the labour dispute should present the mediator with a written explanation of the object of the dispute, its content, and the demands they put forward in the case. The parties should also provide other information deemed necessary by the mediator.</p>	<p>The amendment would enter into force on March 1st 2023 (not yet accepted).</p>	<p>Nothing at this stage but keep an eye on the legislative amendment proposal.</p>
<p>Extending the residence permit of researchers</p> <p>With the amendment in the law, the duration of residence permits granted to those completing a postgraduate degree at the university and to other researchers would be extended. The change would concern both EU and national residence permits.</p>	<p>The amendment would enter into force on July 1st 2023 (not yet accepted).</p>	<p>Nothing at this stage.</p>
<p>Changes to the collection of employees' personal data</p> <p>During the employment relationship, the employer could collect the employee's personal data without the employee's consent in order to fulfil the rights or obligations stipulated by law for the employer.</p>	<p>The law is intended to enter into force as soon as possible.</p>	<p>Affected employers may want to ensure their staff are informed of this amendment.</p>