

FINLAND

Items	Regulations in force on 1 January 2013
1: Notification procedures in the case of individual dismissal of a worker with a regular contract	<p>Personal reasons: Statement of reasons and information on appeals procedures given to the employee upon request. Before the employment relationship can be ended, the employer is required by the law to give an opportunity to the employee to be heard concerning the grounds of dismissal. Advance discussion with employee and trade union if requested by employee.</p> <p>Lack of work: In companies with 20 or more employees, notification to employment office and trade union representatives and consultation on reasons and ways to avoid lay-off; in companies with less than 20 employees, only notification to the employment office.</p> <p>Calculation (for EPL indicators): average of the two situations: 1.5 for personal reasons because third party notification upon request; 2 for lack of work</p>
2: Delay involved before notice can start	<p>Personal reasons: Notice orally or in writing. If notice sent by letter, it is then deemed to have been received by the recipient at the latest on the seventh day after the notice was sent (Chapter 9, Sec. 4, Employment Contract Act, Työsopimuslaki). Before the employment relationship can be ended, the employer is required by the law to give an opportunity to the employee to be heard concerning the grounds of dismissal. Advance discussion with the employee and trade union if requested by the employee.</p> <p>Lack of work: In companies with 20 or more employees: prior to notice, invitation to consultation, 5 day delay, then consultation for 14 days, then notice orally or in writing. In companies with less than 20 employees: notice orally or in writing.</p> <p>Calculation (for EPL indicators): average of personal reasons $(6+(1+7)/2=10)$ days and lack of work $(1+5+14+1=21)$ days = $(10+21)/2=15.5$</p>
3: Length of notice period at different tenure durations (a)	<p>All workers: 14d<=1y, 1m<=4y, 2m<=8y, 4m<=12y, 6m>12y.</p> <p>Calculation (for EPL indicators): 9 months tenure: 14 days, 4 years tenure: 1 months, 20 years tenure: 6 months.</p>
4: Severance pay at different tenure durations (a)	<p>All workers: None.</p>
5: Definition of unfair dismissal (b)	<p>Fair: Dismissals are justified for "specific serious reasons", including personal characteristics and urgent business needs.</p> <p>Unfair: Dismissals for an employee's illness, participation in a strike, union activities and political or religious views.</p> <p>Dismissals for economic and personal reasons are valid only if employees cannot be reasonably, in view of their skills and abilities, transferred or retrained.</p> <p>Economic reasons is not a ground for dismissal if the employer, either before giving notice or soon after the employment contract has been terminated, hires a new employee for tasks similar to those performed by the dismissed employee (Chapter 7, Sec. 3, employment Contracts Act).</p>
6: Length of trial period (c)	<p>4 months (all workers)</p>
7: Compensation following unfair dismissal (d)	<p>Compensation between 3 and 24 months. The following factors must be taken into account when determining the amount of compensation: estimated time without employment, estimated loss of earnings, duration of the employment relationship, and degree of guilt found on the side of employer. The highest compensations are used only in cases of gross injustice.</p> <p>Calculation (for EPL indicators): Typical compensation at 20 years tenure (all workers): 14 months.</p>
8: Reinstatement option for the employee following unfair dismissal (b)	<p>No reinstatement.</p>
9: Maximum time period after dismissal up to which an unfair dismissal claim can be made (e)	<p>After the termination of employment the claim for compensation based on unfairness of the dismissal must be filed within 2 years</p>
10: Valid cases for use of standard fixed term contracts	<p>Permitted for temporary replacements, traineeship, and special business needs (unstable nature of service activity, etc.). At the request of the employee, the employment contract can always be concluded for a fixed term, and the contract is binding upon the employer and the employee.</p>

11: Maximum number of successive standard FTCs (initial contract plus renewals and/or prolongations)	In the case of successive contracts, justification of limitation of contract subject to court examination.
12: Maximum cumulated duration of successive standard FTCs	No limit
13: Types of work for which temporary work agency (TWA) employment is legal	General, but there are restrictions in several collective agreements as far as the use of TWA employment by the user company. The type of restrictions and their substance vary from one collective agreement to another. The most common ones restrict the use TWA employees for a limited time and for limited tasks.
14: Are there restrictions on the number of renewals and/or prolongations of TWA assignments? (f)	No for assignments. For contracts: same restrictions as for fixed-term contracts if the contract between the agency and the worker is fixed-term. It is not possible to use fixed-term TWA contracts when the agency has a permanent need of labour.
15: Maximum cumulated duration of TWA assignments (f)	Restrictions on the length of assignments in certain collective agreements. No limit for contracts, if the latter are open-ended.
16: Does the set-up of a TWA require authorisation or reporting obligations?	No
17: Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	Yes, equal treatment regarding pay and working conditions
18: Definition of collective dismissal (b)	>9 workers in firms >20 employees, in case of dismissal for financial or production-related reasons.
19: Additional notification requirements in cases of collective dismissal (g)	Notification of employee representatives: Consultation with trade union or personnel representatives. Notification of public authorities: Notification to local employment office.
20: Additional delays involved in cases of collective dismissal (h)	When an employer with more than 30 employees is considering laying off at least 10 employees, the mandatory period for negotiating with employees or their representatives is extended from 14 days to six weeks.
21: Other special costs to employers in case of collective dismissals (i)	Type of negotiation required: Consultation on alternatives to redundancy and ways to mitigate the effects. Selection criteria: As laid down in collective agreements, selection procedure usually takes account of seniority, family circumstances and the retention of skilled personnel. Severance pay: No legal requirements.

Legend: d: days; w: weeks; m: months; y: years. For example "1m < 3y" means "1 month of notice (or severance) pay is required when length of service is below 3 years".

Notes:

- a) Three tenure durations (9 months, 4 years, 20 years). Case of a regular employee with tenure beyond any trial period, dismissed on personal grounds or economic redundancy, but without fault (where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment). Averages are taken where different situations apply – e.g. blue collar and white collar; dismissals for personal reasons and for redundancy.
- b) Based also on case law, if court practice tends to be more (or less) restrictive than what specified in legislation.
- c) Initial period within which regular contracts are not fully covered by employment protection provisions and unfair dismissal claims cannot usually be made.
- d) Typical compensation at 20 years of tenure, including back pay and other compensation (e.g. for future lost earnings in lieu of reinstatement or psychological injury), but excluding ordinary severance pay and pay in lieu of notice. Where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment and that a court case takes 6 months on average. Description based also on case law.
- e) Maximum time period after dismissal up to which an unfair dismissal claim can be made.
- f) Description based on both regulations on number and duration of the contract(s) between the temporary work agency and the employee and regulations on the number and duration of the assignment(s) with the same user firm.
- g) Notification requirements to works councils (or employee representatives), and to government authorities such as public employment offices. Only requirements on top of those requirements applying to individual redundancy dismissal count for the OECD EPL indicators (cf. Item 1).
- h) Additional delays and notice periods in the case of collective dismissal (only delays on top of those required for individual dismissals – as reported in Items 2 and 3 – count for the OECD EPL indicators).
- i) This refers to whether there are additional severance pay requirements and whether social compensation plans (detailing measures of reemployment, retraining, outplacement, etc.) are obligatory or common practice.