

NB: Unofficial translation, legally binding only in Finnish and Swedish

Ministry of Employment and the Economy

Act

on public employment and business service

Issued in Helsinki 28 December 2012

In accordance with the decision taken by Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Promoting the functioning of the labour market

(1) To secure economic growth, high employment, and wellbeing, the State promotes the functioning of the labour market and the supply of labour force together with municipalities, labour market organisations, enterprises, and other employers and citizens.

(2) In order to promote the functioning of the labour market and the supply of labour force, the State shall ensure the coordination of labour force, economic, industrial, educational and social policy, and employ measures to balance out fluctuations in the economic cycle.

Section 2

Public employment and business service

(1) The employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment provide public employment and business services as provided in this Act. Public employment and business services promote the functioning of the labour market by ensuring the availability of skilled labour force and providing jobseekers with opportunities for finding work, promote the emergence of new business activity, and develop the operational preconditions of enterprises and the quality of working life.

(2) Employment services, information and advisory services, competence development services, and services for launching and developing business activities are provided as public employment and business services. Public employment and business services also include expert assessments related to the service process of individual clients and subsidies and compensations in accordance with this Act.

(3) Provisions on securing an unemployed jobseeker's income through labour market support and daily unemployment allowances are laid down in the Act on Unemployment Security (1290/2002).

Section 3

Definitions

(1) In this Act,

1) a *client* means a private individual (*individual client*), employer, or enterprise applying for or receiving the services, subsidy, or compensations under this Act;

2) a *jobseeker* means an individual client whose job application is in force in the manner provided in Chapter 2, sections 1 and 2;

3) an *unemployed person* means a person who is not in an employment relationship or not in full-time employment in business or in his/her own work in the manner referred to in Chapter 2 of the Act on Unemployment Security, and who is not a full-time student referred to in Chapter 2 of the Act on Unemployment Security; furthermore, a person in an employment relationship is considered unemployed if he/she is fully laid off or if his/her regular weekly working hours are fewer than four.

4) an *employment and economic development authority* means the employment and economic development office and the customer service centre of the employment and economic development administration;

5) an *employment plan* means a plan drawn up by the employment and economic development authorities together with the jobseeker and the multi-sectoral employment plan drawn up in accordance with the Act on multi-sectoral joint services promoting employment (Laki työllistymistä edistävästä monialaisesta yhteispalvelusta 1369/2014); (30.12.2014/1371)

6) a *plan replacing an employment plan* means an activation plan referred to in the Act on rehabilitative employment activities (laki kuntouttavasta työtoiminnasta 189/2001) and an integration plan referred to in the Act on the promotion of integration of immigrants (laki kotoutumisen edistämisestä, 1386/2010);

7) *change security* means an operating model implemented in cooperation between the employment and economic development office, employer, and employees seeking to promote the as rapid as possible re-employment of an employee who is dismissed, laid off, or who is in temporary employment and becomes unemployed, and which comprises services in accordance with this Act, agreed in the employment plan, and eventual other services that develop professional skills;(20.12.2013/1050)

8) *de minimis aid* means aid referred to in Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid; Commission Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agricultural sector; and Commission Regulation (EU) No 717/2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector; (30.12.2014/1366)

9) *employment relationship* means a contractual relationship between an employer and an employee referred to in Chapter 1, section 1 of the Employment Contracts Act (55/2001) and Chapter 1, section 1 of the Seafarers' Employment Contracts Act (756/2011) and a contractual relationship between an employer and an apprentice (*apprenticeship training*) referred to in the Act on Vocational Training (630/1998) and the Act on Vocational Adult Education (631/1998); (30.12.2014/1366)

10) *the General Block Exemption Regulation* means the Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty. (30.12.2014/1366)

(2) References in this Act to an employment relationship and to the legislation observed in an employment relationship also apply to a public-service employment relationship and the legislation observed in a public-service employment relationship. (30.12.2014/1366)

Section 4

Provision of public employment and business services

(1) The provision of public employment and business services is based on the needs of business life and the labour market, and on anticipation of changes.

(2) The employment and economic development office, the customer service centre of the employment and economic development administration, or the centre for economic development, transport and the environment and the client assess together the client's service needs, on the basis of which such public employment and business services are provided that best ensure the availability of a skilled labour force, promote the placement of an individual client in the open labour market, and promote the launch or development of business.

(3) Public employment and business services are provided as services that clients may use on their own initiative, and as personal services. The form of service a client uses, and contacts between an authority providing public employment and business services, and the client, are determined on the basis of estimated service needs.

(4) If the client's service need requires services other than public employment and business services, or if another authority or party is responsible for providing the service, the employment and economic development office, the customer service centre of the employment and economic development administration, or the centre for economic development, transport and the environment must inform the client about other service options and, as appropriate, steer the client to services provided by other authorities or service providers, in cooperation with these.

Section 5

Service provision and acquisition

(1) The employment and economic development office, the customer service centre of the employment and economic development administration, or the centre for economic development, transport and the environment may provide the services referred to in this Act themselves, or acquire them, partly or in full, from service providers using the appropriation allocated in the State budget for the purpose of service acquisition. The appropriations allocated in the State budget under the Ministry of Employment and the Economy's administrative branch main title of expenditure for promoting employment and preventing unemployment (*employment appropriations*) are used for supporting the employment of those in a weak position in the labour market in particular.

(2) If the service provider receives a discretionary government aid or other central government transfers to local government for providing the service, the share corresponding to the discretionary government aid or other central government transfers to local government will be deducted from the acquisition price of the service.

(3) Provisions on the duties of the employment and economic development office and the centre for economic development, transport and the environment when acquiring the service, on the procedure when deciding on the acquisition and concluding the acquisition contract, and on the contents of the acquisition contract and the acquisition and tender procedure preceding the conclusion of the contract are given by Government decree.

Section 6

Gratuitousness

(1) Public employment and business services provided for individual clients are free of charge. Public employment and business services provided for employers are free of charge, with the exception of jointly acquired training referred to in Chapter 5, section 7. Business development services provided for enterprises, referred to in Chapter 8, section 5, are subject to a charge.

Section 7

Equality

(1) Equality and impartiality must be observed in the public employment and business service. The public employment and business service is not affected by an industrial dispute. The employment and economic development authority must inform a jobseeker of any industrial dispute in connection with a job offer or other service provided personally.

Section 8 (30.12.2014/1339)

Promotion of non-discrimination and equality between men and women

(1) When providing, developing, and informing of public employment and business service, non-discrimination and equality between men and women in the labour market must be actively promoted.

(2) The employment and economic development office, the customer service centre of the employment and economic development administration, or the centre for economic development, transport and the environment must provide public employment and business services impartially, in compliance with the same principles, irrespective of an individual client's gender and matters referred to in section 8(1) of the Non-Discrimination Act (1325/2014). Employment and economic development authorities must present work and training options, job vacancies, and jobseekers so as to ensure equal opportunities for individual clients to jobseeking, professional development, and training, irrespective of gender and matters referred to in section 8(1) of the Non-Discrimination Act.

Chapter 2

Jobseeker

Section 1

Start of jobseeking and its validity

(1) An individual client's jobseeking starts on the day when he/she requests it electronically in the online service intended for the purpose, or personally at the employment and economic development office, and when he/she is registered as a jobseeker in the customer data system of the employment and economic development office. Employment and economic development authorities may accept a request presented by other means, too.

(2) Jobseeking will expire if the jobseeker:

- 1) announces that he/she does not wish to keep his/her jobseeking in force any longer;
- 2) does not transact with employment and economic development authorities within the period of time agreed upon with and in the manner required by the authority;(16.5.2014/390)
- 3) does not present the employment and economic development authority with the accounts necessary for the provision of public employment service regarding his/her professional skills, work history, education, and working capacity by the deadline set by the authority;
- 4) does not inform the employment and economic development authority, by the deadline agreed in the employment plan or a plan replacing an employment plan, and in the agreed manner, how he/she has implemented the plan; or
- 5) does not participate in examinations and assessment of his/her working capacity, as necessary for determining the services he/she needs.

(3) After the expiry of jobseeking, it may be restarted in accordance with the provisions laid down in subsection 1. If jobseeking has expired as a consequence of a procedure referred to in subsection 2(5), a further requirement will be that when requesting jobseeking to be started, an individual client undertakes to participate in examinations and assessments of working capacity.

Section 2

Registration of a foreigner as a jobseeker and validity of jobseeking

(1) Citizens of foreign states who, under international treaties binding on Finland concerning the free movement of labour force, have the right to enter Finland in order to find work and be gainfully employed without consideration of labour force needs by the employment and economic development office, may be registered as jobseekers as provided in section 1, unless otherwise provided in such treaties.

(2) Unless otherwise provided by international treaties binding on Finland, citizens of other foreign states and persons with no nationality may be registered as jobseekers as provided in section 1, if they have the

right to be gainfully employed under a valid residence permit and the residence permit does not contain any restrictions with regard to the employer.

(3) In addition to the provisions laid down in sections 1(2) and (3), the jobseeking of a foreign jobseeker expires if he/she no longer meets the requirements laid down in subsection 1 or 2 of this section for the registration of a foreigner as jobseeker.

Section 3

Information for the jobseeker

(1) Employment and economic development authorities must inform the jobseeker, in connection with starting jobseeking, or immediately thereafter, of aspects related to jobseeking, public employment and business services available to him/her, prerequisites for jobseeking to remain valid, and change security.

(2) In addition to the provisions laid down in subsection 1, an unemployed jobseeker must, when appropriate, be informed of any other services promoting his/her employment, the general obligations of an unemployed jobseeker laid down in section 8, and the key labour policy requirements for receiving daily unemployment allowance or labour market support.

Section 4

Arranging an interview with the jobseeker

(1) Employment and economic development authorities will arrange the first interview for the jobseeker within two weeks of the beginning of jobseeking, unless this is obviously unnecessary with regard to his/her circumstances.

(2) Employment and economic development authorities must reserve an opportunity for the jobseeker to arrange further interviews at regular intervals, in accordance with the jobseeker's need for services. However, an interview with an unemployed jobseeker must always be arranged whenever unemployment has continued continuously for three months and six months, and after six months of unemployment, at six-month intervals, unless this is obviously unnecessary with regard to his/her circumstances.

Section 5

Contents of a jobseeker's interview

(1) The first interview with a jobseeker consists of checking and supplementing jobseeking information, assessing the need for services, drawing up the employment plan, and agreeing on the manner of conducting business and contacts between the employment and economic development authority and the jobseeker. As part of the assessment of the need for services, the employment and economic development authority prepares an assessment of the unemployed jobseeker's abilities to find employment in the open labour market, and the probability of prolonged unemployment. Later interviews will also assess the success of jobseeking and the implementation of the employment plan or a plan replacing the employment plan, and review the plan.

(2) In connection with the jobseeker's interview, the employment and economic development authority offers the jobseeker positions and training suitable for him/her, alongside other services in accordance with the need for services and the employment plan, or a plan replacing the employment plan.

Section 6

Drawing up and reviewing an employment plan

(1) An unemployed jobseeker and a jobseeker eligible for change security is entitled to an employment plan. Provisions on an immigrant's right to an integration plan and participation of the employment and economic development office in the preparation of the integration plan are laid down in the Act on the promotion of integration of immigrants (laki kotoutumisen edistämisestä, 1386/2010). Provisions on the right

of an unemployed jobseeker to an activation plan and participation of the employment and economic development office in the preparation of the activation plan are laid down in the Act on rehabilitative work (Laki kuntouttavasta työtoiminnasta 189/2001). Provisions on the drawing up, monitoring and review of the multi-sectoral employment plan are laid down in the Act on multi-sectoral joint services promoting employment (Laki työllistymistä edistävistä monialaisesta yhteispalvelusta, 1369/2014). (30.12.2014/1371)

(2) An employment plan must be drawn up, unless it is obviously unnecessary, no later than in the jobseeker's interview in accordance with section 4(1).

(3) The employment plan or a plan replacing the employment plan must be reviewed in connection with a jobseeker's interview or by request of the jobseeker, unless this is obviously unnecessary.

Section 7

Content of an employment plan

(1) The employment plan and the plan replacing the employment plan are based on the jobseeker's personal goals regarding work or education, and the assessed need for services.

(2) The plan lays down agreed jobseeking measures and their goals, public employment and business services in accordance with the jobseeker's need for services and other services promoting employment, and expert assessments. When necessary, the plan lays down an agreement on other services enhancing competence, labour market skills, and functional capacity, or measures related to examining working ability or state of health.

(3) The jobseeker and the employment and economic development authority agree on monitoring the implementation of the employment plan or a plan replacing the employment plan, and approve the plan. If the employment and economic development authority requires an account other than an announcement by the jobseeker of implementing the plan, this precondition must be entered in the plan.

(4) Further provisions on the structure, approval, and archiving of the employment plan and a plan replacing the employment plan are given by Government decree.

Section 8

An unemployed jobseeker's general obligations

(1) An unemployed jobseeker's general obligation is to seek work and education. An unemployed jobseeker is also obliged to attend jobseeker's interviews and the drawing up and review of an employment plan or a plan replacing the employment plan.

(2) An unemployed jobseeker with whom an employment plan or a plan replacing the employment plan has been drawn up, is obliged to implement the plan and to seek and participate in services agreed on in the plan that support his/her jobseeking and enhance his/her labour market skills and promote finding employment. In addition, an unemployed jobseeker is obliged, within the deadline and in the manner agreed in the plan, to inform the employment and economic development authority of how he/she has implemented the plan.

(3) Provisions on the consequences of acting contrary to the obligations referred to above in subsections 1 and 2 on a person's right to receive unemployment benefit are laid down in the Act on Unemployment Security.

Section 9

Obligations of employment and economic development authorities

(1) An employment and economic development authority shall offer work and training and provide services included in the employment plan or a plan replacing the employment plan within the limits of appropriations allocated for use by the employment and economic development authority. The employment and economic development authority must also monitor the implementation of the employment plan or the plan replacing the employment plan and contribute to ensuring the progress of the service process.

Chapter 3

Employment exchange

Section 1

Objective of employment exchange

(1) Employment exchange enhances the matching of supply and demand for labour force, so as to fill open positions and enable jobseekers to find work promptly.

(2) Employment exchange is based on freedom of contract between the employer and employee, and freedom of choice.

Section 2

Employment services

(1) The employment and economic development authorities publish and inform about vacancies in accordance with an assignment by the employer, unless otherwise provided for in section 3. The employment and economic development office seeks and presents jobseekers suitable for the vacant position concerned, to employers, in the manner agreed on with them.

(2) The employment and economic development office seeks employment suitable for a jobseeker, and offers it to him/her. The employment and economic development office assesses the suitability of a position for the jobseeker, taking into account his/her professional skills, work history, education, and working ability.

(3) Provisions on employment exchange between Finland and other countries and international trainee exchange are given by Government decree.

Section 3

Refusal to accept an announcement for a vacant position and removal of the announcement

(1) The employment and economic development authority may refuse to accept an announcement for a vacant position or remove the announcement from the employment and economic development office's customer data system if it is evident on the basis of the announcement, or on the basis of the employer's previous conduct, or there is otherwise a justified reason to doubt that:

1) the employer violates the statutory prohibition against discrimination;

2) the employer is recruiting an employee for tasks that are illegal or for which it is prohibited to employ the person sought;

3) the employer materially fails to comply with obligations laid down in Chapter 2 of the Employment Contracts Act or Chapters 2 and 3 of the Seafarers' Employment Contracts Act, or the obligation to pay taxes or statutory fees;

4) there is an imminent threat of violence at the workplace, or harassment posing harm or danger to the employee's health, or other inappropriate treatment; or

5) due to the nature of the task or another corresponding reason, it is not appropriate to support the filling of the vacant position by means of employment exchange.

(2) A prerequisite for refusing to accept an announcement or removing it in situations referred to in subsections 1(1) and (2) is that the employer has not rectified its announcement for a vacant position regardless of being urged by the employment and economic development authorities to do so.

(3) The employment and economic development authorities make a decision in writing on refusing to accept an announcement or the removal of an announcement. Provisions on appealing against a decision by the employment and economic development authorities are laid down in Chapter 14, section 1.

Chapter 4

Information and advisory services, expert assessments, vocational guidance and career planning, and coaching and try-out

Section 1

Information and advisory services

(1) As a public employment and business service, the employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment distribute information and give advice on:

- 1) vacant positions and jobseeking;
- 2) labour force availability and acquisition;
- 3) training opportunities and other possibilities for skills development;
- 4) the labour market, occupational sectors, and occupations;
- 5) starting up of business activities and opportunities for developing them; and
- 6) services, subsidies, and compensations provided for implementing change security.

Section 2 (16.5.2014/390)

Expert assessments

(1) To assess the competence, professional skills, suitability, and work, business, and training options of an individual client, the employment and economic development office and the centre for economic development, transport and the environment may acquire:

- 1) competence and professional skills surveys;
- 2) examinations and assessments of working ability;
- 3) assessments of entrepreneurial competence and opportunities for entrepreneurial activity; and
- 4) initial assessments as referred to in Section 9 of the Act on the Promotion of Immigrant Integration; and
- 5) other expert assessments.

Section 3

Vocational guidance and career planning

(1) Employment and economic development authorities may offer vocational guidance and career planning to support individual clients in making career choices, in vocational development, placement in working life, and lifelong learning. With the client's consent, appropriate psychological assessment methods may be used in order to assess an individual client's vocational and career options, competence, and suitability, if necessary.

Section 4

Coaching

(1) The employment and economic development office may offer an individual client coaching in:

- 1) jobseeking (*jobseeking coaching*);
- 2) clarification of vocational choice and career options, seeking vocational training and development of working life capacities (*career coaching*); and
- 3) placement in work and training at the workplace (*work coaching*).

Section 5

Try-out

(1) The employment and economic development office may steer an individual client to:

1) a training try-out in an educational institution, or a work try-out at a workplace in order to examine vocational choice and career options; or

2) a work try-out at a workplace to support returning to the labour market.

(2) A work try-out may be organised by an enterprise, a private entrepreneur, municipality, joint municipal board, other corporation, foundation, state agency, or institution.

Section 6

Maximum duration of try-out and coaching

(1) The maximum duration of a work try-out is 12 months, of which six months at most is with the same provider, or, if the work try-out is organised by a municipality, six months at most is on the same duties.

(2) Calculation of the maximum duration of a work try-out starts over from the beginning when a person has been continuously unemployed for at least 12 months or when a person under 25 years of age has been continuously unemployed for a minimum of three months after the maximum period was completed.

(3) Coaching and training try-outs are short-term services. Provisions on the maximum duration of coaching and training try-out are given by Government decree.

Section 7 (16.5.2014/390)

Restrictions applicable to work try-out

(1) If the organiser of a work try-out has dismissed or laid off employees for production-related or economic reasons, or if the employer has part-time employees, the work try-out may be arranged if the arranger of the work try-out has met the obligations set forth in the Employment Contracts Act to offer work to the dismissed, or laid-off employees, or those working part-time, or if the arranger of the work try-out is not obliged to offer employment for another reason.

An individual client is not directed to a work try-out if:

1) work try-out would or could result in dismissal or lay-off of employees in the service of the organiser or in a situation where their employment relationships are converted into part-time employment relationships; (30.12.2014/1366)

2) the work try-out would bring the organiser benefit that would distort competition between enterprises or private entrepreneurs;

3) the tasks in question are such that in order to perform them, the organiser of the work try-out requires submission of a drug test certificate referred to in section 6 of the Act on the Protection of Privacy in Working Life (759/2004), if the individual client does not want to submit such a certificate;

4) the tasks in question are ones in accordance with the Act on Checking the Criminal Background of Persons Working with Children (504/2002), if the individual client does not want to accept such tasks;

5) the try-out would begin within two weeks from the conclusion of a continuous six-month work try-out, unless the individual client requests otherwise.

(2) An employer with whom the individual client has an employment relationship when the contract referred to in section 9 is concluded, cannot act as the organiser of a work try-out.

Section 8

Legal status and responsibility for occupational safety and data protection

(1) A person participating in a work try-out does not have an employment relationship with the organiser of the work try-out or with an employment and economic development office.

(2) The Act on Equality between Women and Men (609/1986) and the Non-Discrimination Act applies to a person participating in a work try-out.

(3) The organiser of the work try-out is responsible for the occupational safety of the person participating in the work try-out in accordance with the provisions of the Occupational Safety and Health Act (738/2002) and the Young Workers Act (998/1993).

(4) The provisions laid down in section 28 of the Working Hours Act (605/1996) on daily rest periods, and provisions in section 35 on work schedule apply to the work try-out.

(5) Section 3, sections 4(1) and (2), sections 5(1), (2) and (4), section 6, section 7(1—3), sections 9, 10, 14 and 15, Chapters 5 and 6, section 21(2), and sections 22 and 24 of the Act on the Protection of Privacy in Working Life apply in the work try-out.

(6) When applying the Acts referred to in subsections 2—5, the organiser of the work try-out is comparable with an employer, and the person participating in the work try-out, with an employee.

(7) Penal provisions for violation of occupational safety and health are laid down in section 63 of the Occupational Health and Safety Act. Penal provisions for violation of working hours regulations are laid down in section 42 of the Working Hours Act. Penal provisions for violation against the Act on the Protection of Privacy in Working Life are laid down in section 24 of the Act. Penal provisions for discrimination, work discrimination, extortionate work discrimination, work safety offences, data protection offences, computer break-in, illicit observation, eavesdropping, message interception, secrecy offences, and offences in office are laid down in the Criminal Code (39/1889).

Section 9

Agreement on a work try-out

(1) The employment and economic development office, the organiser of work try-out, and the individual client conclude a fixed-term written agreement on the work try-out, stipulating the following:

- 1) objectives of the work try-out;
- 2) the time and place of the work try-out;
- 3) the daily duration of the work try-out, which can be a minimum of four and a maximum of eight hours, and its timing;
- 4) the weekly duration of the work try-out, which can be a maximum of five days, and its timing;
- 5) the tasks performed by the person participating in the work try-out during the work try-out;
- 6) the person at the workplace responsible for guidance and supervision of the person participating in the work try-out.
- 7) the party paying the unemployment benefit whom the organiser of the work try-out must notify of any absences. (30.12.2014/1375)

(2) The agreement on the work try-out must include a condition according to which the organiser of the try-out shall, after termination of the work try-out, provide the employment and economic development office with an assessment of the individual client's suitability for the work, profession, or professional sector and, if the work try-out was arranged in order to support a return to the labour market, of the needs for developing working life capacities and competence.

(3) In addition, the employment and economic development office may set conditions in the agreement on the organiser of the work try-out, necessary as regards implementation of the work try-out or the person participating in it. The organiser of the work-try out, a party to this agreement, cannot assign the obligations based on the agreement to a third party.

(4) The organiser of the work try-out must inform the employees' representative or another person representing employees of the work try-out organiser about the name of the individual client participating in the work try-out, and the information referred to in subsection 1 and 3.

Section 10

Interruption of coaching and try-out

(1) If an individual client has been continuously absent on five days of coaching or try-out without authorisation, or if the number of absences otherwise amounts to such that the objectives set for coaching or try-out will not be met, the employment and economic development office will make a decision on

interrupting the coaching or training try-out, or cancellation of the agreement on work try-out, on the basis of absences.

(2) The service provider or organiser of the work try-out is obliged to inform the employment and economic development office about the absences referred to in subsection 1. Before making a decision on the matter, the employment and economic development office must reserve the individual client the opportunity to be heard. The individual client must be informed about the decision without delay.

(3) The employment and economic development office and the organiser of the work try-out have the right to cancel an agreement on a work try-out for a reason other than the one referred to in subsection 1, by informing the other parties about this in writing. The cancellation of an agreement may not, however, be based on grounds for discrimination prohibited by law, or another inappropriate reason.

Section 11

Insurance cover

(1) Group liability insurance will be provided by the Ministry of Employment and the Economy for those participating in coaching and try-out.

(2) If an individual client sustains an injury or contracts an occupational disease during coaching or a try-out, compensation will be paid out of State funds on the grounds mentioned in the provisions on occupational accidents in the Employment Accidents Act (608/1948), unless the individual client is entitled to compensation of at least the same amount under another Act. Matters related to payment of compensation out of State funds are handled by the State Treasury.

Chapter 5

Labour market training

Section 1

Objectives of labour market training

(1) Labour market training improves the professional skills of adults, their possibilities of finding a job or retaining one, and their capacities for working as entrepreneurs, and also promotes the availability of a skilled labour force and the generation of new business.

(2) Training that provides vocational skills, and integration training referred to in section 20 of the Act on the promotion of integration of immigrants (*laki kotoutumisen edistämisestä*, 1386/2010), is provided as labour market training. In addition, basic education for adults may be provided as labour market training if not having completed basic education is an obstacle for completing vocational training.

Section 2

Acquiring studies leading to an academic degree in the form of labour market training

(1) Studies leading to an academic degree may be acquired for an individual client in the form of labour market training in order to complete interrupted higher education studies.

(2) A prerequisite for acquiring studies leading to an academic degree is that at least one year has passed since the studies were proven to be interrupted. A further prerequisite is that the completion of studies is estimated to require full-time studies referred to in Chapter 2 of the Act on Unemployment Security for a maximum of:

1) 12 months, when the person in question is admitted to complete a higher polytechnic degree or a higher university degree only;

2) 18 months, when the person in question is admitted to complete a polytechnic degree or a lower university degree only;

3) 24 months, when the person in question is accepted to complete both a lower and higher university degree or a higher university degree, in case the education does not offer the possibility for completing a lower university degree.

(3) Notwithstanding the provisions laid down in subsections 1 and 2, studies leading to an academic degree in the same field may be acquired for an individual client with a vocational college diploma or a diploma of a corresponding level taken abroad.

(4) Before the decision to acquire studies leading to an academic degree, the centre for economic development, transport and the environment or the employment and economic development office shall request a statement on the matter from the Ministry of Education and Culture.

Section 3

Student selection

(1) Persons with a training need established by the employment and economic development office, suitable for the training and the occupation or position to which the training leads, can be selected as students. A person under 20 years of age, having completed compulsory education, can only be selected for training that provides vocational skills if the completion of education is not possible, or otherwise appropriate, as independent studies.

(2) In addition, the provisions laid down on the education or training in question in the Act on vocational education and training (laki ammatillisesta koulutuksesta 630/1998), Act on vocational adult education (laki ammatillisesta aikuiskoulutuksesta 631/1998), Polytechnics Act (351/2003), and the Universities Act (558/2009) on criteria for student admission, eligibility for studies, accessibility and prerequisites for admission or access to information relating to admission will be applied to student selection.

(3) The employment and economic development office decides on selection of students for training. If studies leading to an academic degree are acquired as labour market training, the university or polytechnic will decide on student admission. Further provisions on the student selection procedure will be given by Government decree, if necessary.

(4) Labour market training student admission events and aptitude tests related to the selection procedure are free of charge for a person applying for labour market training.

Section 4

Students' rights and obligations

(1) A student has the right to receive training in accordance with the training plan or syllabus and the right to conduct studies for the duration of the labour market training.

(2) The student must attend classes regularly and progress in studies in the manner intended in the training or study plan. Higher education degree studies are considered to progress at a sufficient pace if the student gains study attainments falling under the student's study module at an average of five ECTS credits per one month of studies.

(3) Unless otherwise provided in this Act, the provisions laid down in the Act applicable to the training in question, referred to in section 3(2), and issued under it, will apply to labour market training:

- 1) as regards enrolling as student;
- 2) as regards acknowledgement of competence;
- 3) as regards recognition of previous studies;
- 4) as regards evaluation of study assessments, rectifying evaluation, and rectifying procedure;
- 5) as regards a student's right to a safe learning environment;
- 6) as regards cancellation of a right to training, access to information related to the cancellation of a right to training, and restoration of a right to training;
- 7) as regards disciplinary measures and the relation of disciplinary procedure to pendency of charge;
- 8) as regards procedure in a matter concerning the cancellation and restoration of a right to training, and a disciplinary matter;
- 9) as regards the removal of a student who is disturbing or endangers safety;
- 10) as regards drugs testing;
- 11) as regards a student's obligation of professional secrecy; and

12) as regards appeal for a decision by the provider of the training service.

(4) If no legislation referred to in subsection 3 applies to the training acquired as labour market training, the provisions laid down in the Act on vocational adult education (laki ammatillisesta aikuiskoulutuksesta 631/1998) apply to training.

Section 5

Interruption of training

(1) If a student is not making progress in studies in the manner referred to in section 4(2) or the student has been absent without permission for five consecutive days of training, the employment and economic development office that decided on student selection will decide on interruption of training.

(2) The provider of training services is obliged to notify the employment and economic development office that decided on student selection about the fulfilment of criteria for interrupting training, as referred to in subsection 1. Before making a decision on the matter, the employment and economic development office must reserve the student an opportunity to be heard. The student must be informed about the decision without delay.

Section 6

On-the-job training and practical training during labour market training

(1) During periods of on-the-job training or practical training during the training, the student does not have an employment relationship with the provider of on-the-job training or practical training, or with the training services, unless otherwise agreed between the student and the provider of the on-the-job training or practical training. If it has been agreed that the on-the-job training or practical training is carried out in an employment relationship, the provisions laid down in subsections 2 and 3 do not apply.

(2) The provider of the training service, the organiser of on-the-job training or practical training period, and the student make a fixed-term agreement in writing on the on-the-job training or practical training period. The provisions on agreements on the work try-out and the tasks of the employment and economic development office laid down in Chapter 4, section 9, apply to the agreement and the responsibilities of the provider of the training services. In addition, the agreement must contain an agreement on the teacher responsible for guidance and the method of implementing guidance, and its duration.

(3) The organiser of the on-the-job training or practical training period is responsible for the student's occupational safety during the on-the-job training or practical training period as provided in section 19 of the Act on vocational education and training (laki ammatillisesta koulutuksesta 630/1998) and section 10 of the Act on vocational adult education (laki ammatillisesta aikuiskoulutuksesta 631/1998). The provider of the training service is obliged to take out group liability insurance for the students for the duration of the on-the-job training or practical training periods.

Section 7

Joint acquisition of training

(1) Labour market training may be implemented together with the employer, commissioner of a person intending to become an entrepreneur, or enterprise assigning entrepreneurship rights, so that this party participates in funding for the training (*joint acquisition of training*), when the training is organised:

1) for employees to be employed by or in the employment of a designated employer, or for temporary agency workers; or

2) for a person intending to become an entrepreneur who would only have a few commissioners or who intends to become an entrepreneur by acquiring entrepreneurship rights from another enterprise.

(2) If an entrepreneur referred to in Chapter 1, section 6, of the Act on Unemployment Security participates in training referred to in subsection 1, the state-funded share of the entrepreneur's training constitutes de minimis aid.

Chapter 6

Jobseeker's independent studies supported by unemployment benefit

Section 1

Objective of supporting studies

(1) The objective of supporting a jobseeker's independent studies is to improve the adult population's vocational skills and the possibility of finding or keeping a job, and to promote the availability of skilled labour force.

Section 2

General preconditions and benefits

(1) A jobseeker who has turned 25 years of age and who is engaged in independent studies is entitled to unemployment benefit referred to in the Act on Unemployment Security, subject to the preconditions laid down in said Act, if:

- 1) the jobseeker is in need of training, as established by the employment and economic development office, and the office assesses support of independent studies to be the most appropriate method for enhancing the jobseeker's vocational skills and possibilities for finding employment or retaining a job;
- 2) studying is regarded to fundamentally improve the jobseeker's possibilities of becoming employed in the open labour market;
- 3) studies are agreed on in the employment plan or a plan replacing the employment plan, as provided in section 4; and
- 4) other preconditions laid down in this Chapter are met.

Section 3

Preconditions regarding studies

The provisions laid down in this Chapter apply to studies that are considered as full-time in accordance with Chapter 2, Section 10 (2) of the Act on Unemployment Security and: (20.12.2013/1050)

- 1) provisions on which are laid down in the Act on vocational education and training (*laki ammatillisesta koulutuksesta* 630/1998), Act on vocational adult education (*laki ammatillisesta aikuiskoulutuksesta* 631/1998), Polytechnics Act, or Universities Act, and which result in a basic vocational qualification, vocational qualification, special vocational qualification, or a lower or higher academic degree taken at a university or polytechnic, or which aim at completing parts of the degrees mentioned, gaining additional supplementary training in accordance with said Acts or attending open university or open polytechnic education;
- 2) studies that constitute other vocationally oriented training organised in Finland or abroad by a provider of training services active in Finland;
- 3) provisions on which are laid down in the Basic Education Act (628/1998) or Act on upper secondary schools (*Lukiolaki* (629/1998), if the lack of training is an obstacle to professional development; or
- 4) provisions on which are laid down in the Act on Liberal Adult Education (632/1998), if the training enhances professional skills and proficiency and a training or study plan is presented of the studies.

(2) Unless otherwise provided for a specific reason, the provisions laid down in this Chapter will apply to completion of a lower or higher university degree at a university only if the studies in question are ones that the jobseeker had been engaged in previously, and that at least one year has passed since the studies were proven to be interrupted.

(3) The provisions laid down in this Chapter apply to studies previously engaged in by the jobseeker only if at least one year has passed since the studies were proven to be interrupted. The restriction does not apply to studies that commenced during an employment relationship or were taken as labour market training.

(4) The provisions laid down in this Act also apply, if other preconditions are met, to studies corresponding to those referred to in subsections 1 (1)(2) and (4), in Åland.

Section 4

Agreement on studies in the employment plan

(1) Studies to be supported are to be agreed on in the employment plan or a plan replacing the employment plan before studies commence.

(2) Agreement on studies to be supported may be included in the employment plan or a plan replacing the employment plan even after the studies have commenced, if there is a weighty reason for this, if the jobseeker has begun studying during an employment relationship, or the studies have been taken as labour market training.

Section 5

Period of support

(1) A study module may be supported subject to the preconditions laid down in this Chapter for a maximum period of 24 months.

(2) A jobseeker may notify the employment and economic development office of interrupting studies supported by unemployment benefit. The notification must be submitted without delay after the interruption begins. Interruption cannot be based on term holidays in the educational institution. The interruption period will not affect the maximum period specified above in subsection 1.

(3) If a jobseeker's right to study has been cancelled and it is restored later, studies will be considered as having been interrupted during the period in which the jobseeker had no right to study.

Section 6

Jobseeker's obligations

(1) The jobseeker must regularly attend teaching in accordance with the training or study plan.

(2) A prerequisite for eligibility for unemployment benefit is that the jobseeker makes progress in studies. Academic studies are considered to progress sufficiently if the jobseeker gains study attainments of five study points per month of studies on average in the study module. The prerequisite for other studies is for them to progress in the manner intended in the training or study plan.

Section 7

Monitoring of studies and expiry of support

(1) The employment and economic development office monitors the progress of a jobseeker's studies in the manner agreed in the employment plan or a plan replacing the employment plan.

(2) If the jobseeker does not make sufficient progress in studies or neglects to inform the employment and economic development office of the progress of studies in the manner agreed in the employment plan or a plan replacing the employment plan, the right to unemployment benefit will expire from the period of time when the jobseeker's studies cannot be considered to have progressed sufficiently or at which the jobseeker should have informed the employment and economic development office about the progress of studies.

(3) If a jobseeker has been absent without an acceptable reason from training in accordance with the training or study plan, so that it is obvious that he/she cannot pass the planned studies or has otherwise materially neglected his/her studies, the right to unemployment benefit expires from the time when the absence or neglect began.

(4) The employment and economic development office decides on the expiry of the right to unemployment benefit referred to in subsections 2 and 3. Before making the decision, the jobseeker must be reserved an opportunity to be heard.

Section 8

Jobseeker's obligation to provide information

(1) The jobseeker must present the employment and economic development office with a certificate by the provider of training services on admission as student and term holiday periods during the studies. The jobseeker must also present the employment and economic development office with a necessary account of the progress of his/her studies. (30.12.2014/1375)

(2) The jobseeker must notify the employment and economic development office of an interruption of studies, as referred to in section 5(3), and conclusion of studies.

Section 9

Training service provider's obligation to provide information

(1) The provider of training services must provide the student with a certificate on admission as student, term holidays during the studies and progress of studies. (30.12.2014/1375)

(2) The provider of training services must inform the employment and economic development office without delay about the conclusion of studies and matters referred to in section 7(3). To facilitate the fulfilment of this obligation, the employment and economic development office will provide training service providers with the names and personal identity numbers of the students whose studies are supported in the manner prescribed in this Chapter.

Chapter 7

Wage subsidy

Section 1

Wage subsidy (30.12.2014/1366)

(1) A wage subsidy is a subsidy granted by the employment and economic development office for promoting the employment of an unemployed jobseeker, granted to employers for covering pay costs. The objective of work arranged through wage subsidy is to improve the vocational skills of the unemployed jobseeker, thus promoting his/her employment in the open labour market.

Section 2 (30.12.2014/1366)*General preconditions for granting a wage subsidy*

(1) A wage subsidy may only be granted if the employment and economic development office determines that the productivity of the person to be employed on the subsidy would be lower in the task offered because of deficiencies in vocational skills. The wage subsidy may, however, be granted even if there are no deficiencies in the vocational skills of the person to be employed on the subsidy if the person in question is over 60 years of age and has been unemployed for a continuous period of at least 12 months immediately before the granting of the wage subsidy. A wage subsidy may only be granted on the basis of a disability or illness if the employment and economic development office determines that the disability or illness substantially and permanently or in a permanent manner lowers the productivity of the unemployed jobseeker in the task offered.

(2) When granting the wage subsidy, the employment and economic development office may set conditions for receiving the subsidy that are necessary from the perspective of the person to be employed on the subsidy and the achieving of the objective of the wage subsidy.

Section 3 (30.12.2014/1366)

Preconditions for a wage subsidy relating to the employer

(1) A wage subsidy may be granted to a municipality, joint municipal board, corporation, or other employer, but not to a state agency or institution.

(2) If the employer has dismissed or laid off employees for production-related or economic reasons, or if the employer has part-time employees, a wage subsidy may be granted if the employer has, before submitting an application for the wage subsidy, met the obligations set forth in the Employment Contracts Act or the Seafarers' Employment Contracts Act to offer work to the dismissed, or laid-off employees, or those working part-time, or if the employer is not obliged to offer employment for another reason. Granting a wage subsidy to an employer engaged in business activities also requires, contrary to the nine-month re-employment period laid down in Chapter 6, section 6, subsection 1 of the Employment Contracts Act and Chapter 7, section 9 of the Seafarers' Employment Contracts Act, that the employer has offered work to an employee who has been dismissed for production-related or economical reasons, whose period of notice has expired during the 12 months preceding the application for the wage subsidy.

(3) A wage subsidy will not be granted if:

1) hiring employees on the basis of subsidy would or could result in dismissal or lay-off of other employees employed by the employer or in a situation where the employment relationships of these employees are converted into part-time employment relationships;

2) the subsidy would distort competition between other parties offering the same products or services;

3) the employer has materially neglected the obligations to pay taxes or statutory fees, unless the employment and economic development office finds it appropriate to grant the subsidy for specific reasons related to the person hired on subsidy;

4) the employer engaged in business activities is an undertaking in difficulty referred to in Article 2(18) of the General Block Exemption Regulation or an undertaking which is subject to an outstanding recovery order following a previous European Commission decision declaring an aid illegal and incompatible with the internal market, as referred to in Article 1(4)(a).

Section 4 (30.12.2014/1366)

Preconditions for a wage subsidy relating to the employment relationship

(1) A wage subsidy may be granted if the employer agrees to pay at least a salary indicated by the collective agreement applicable to the employment relationship, or, if there is no applicable collective agreement, the usual and reasonable pay for the work in question. However, a wage subsidy may not be granted if the wages of the person to be employed on the subsidy would be determined solely on the basis of his/her work performance.

(2) A wage subsidy will not be granted if the employment relationship for which the subsidy is intended begins before a decision is issued on granting the subsidy.

(3) Notwithstanding an employment relationship that has already started, a wage subsidy may be granted if it is a question of the granting of a new wage subsidy period and the new period would start immediately after the end of the previous wage subsidy period. The application for the extension must be submitted to the employment and economic development office before the end of the previous subsidy period.

Section 5 (30.12.2014/1366)

Transferring a person employed on a subsidy

(1) The employer may, with the consent of the person employed on the subsidy, transfer the person employed on the subsidy to the tasks of another employer (*user enterprise*). The transfer requires that the

user enterprise meets the preconditions laid down in section 3(2) and subsection 3(1). The party receiving the wage subsidy must notify the employment and economic development office of the transfer in advance and append to the notification the user enterprise's clarification of the meeting of the preconditions laid down in section 3(2) and subsection 3(1).

(2) Further provisions on the preconditions for transferring the person employed by wage subsidy may be given by Government decree.

Section 6 (30.12.2014/1366)

Granting of a wage subsidy to an employer engaged in business activities

(1) The wage subsidy will be granted to an employer engaged in business activities as aid compatible with the General Block Exemption Regulation when the person to be employed on the subsidy is:

1) a person with a disability or illness that substantially and permanently or in a permanent manner lowers productivity in the task offered;

2) a person that has not been in an employment relationship valid until further notice during the six months immediately preceding the granting of the wage subsidy;

3) is without a vocational qualification;

4) is over 50 years of age;

5) is under 25 years of age; or

6) is entitled to an integration plan as laid down in the Act on the promotion of integration of immigrants (Laki kotoutumisen edistämisestä, 1386/2010).

(2) To an employer engaged in business activities, the wage subsidy for the employment of an unemployed jobseeker other than the one referred to in subsection 1 will be granted as a de minimis aid. Moreover, notwithstanding provisions in subsection 1(2-4) and (6), the wage subsidy will be granted as de minimis aid if the person to be employed on the subsidy is over 60 years of age and has been unemployed for a continuous period of at least 12 months immediately before the granting of the wage subsidy. The wage subsidy for apprenticeship training is granted as de minimis aid.

(3) The provisions laid down above in subsections 1 and 2 will not apply to a wage subsidy granted for apprenticeship training.

Section 7 (30.12.2014/1366)

Pay costs covered by a wage subsidy

(1) Pay costs covered by a wage subsidy mean the wages paid to the employee before the withholding of statutory insurance premiums and taxes and the employer's statutory social security contributions, employment pension insurance, accident insurance, unemployment insurance, and mandatory group life assurance are considered as pay costs.

(2) The wage subsidy does not cover the following pay costs:

1) Holiday compensation paid to the person employed on a wage subsidy or similar compensation;

2) pay for the period for which the employer is entitled to daily allowance under Chapter 7, section 4 of the Health Insurance Act (1224/2004) or daily allowance or compensation under section 26 of the Employment Accidents Act to cover employment costs arising from the person employed on the subsidy;

3) the percentage of the pay that is determined on the basis of the work performance of the person employed on the subsidy.

8 § (30.12.2014/1366)

Amount of wage subsidy and maximum duration

(1) The wage subsidy amounts to the following percentage of the employment costs incurred by the employer as a result of the person to be employed on the wage subsidy and referred to in section 7:

1) 30 per cent for a maximum of six months if the person to be employed on the subsidy has been unemployed for less than 12 months immediately preceding the granting of the wage subsidy;

2) 40 per cent for a maximum of 12 months if the person to be employed on the subsidy has been unemployed for at least 12 months during the 14 months immediately preceding the granting of the wage subsidy;

3) 50 per cent for a maximum of 12 months and after than 30 per cent for a maximum of 12 months if the person to be employed on the subsidy has been unemployed for at least 24 months during the 28 months immediately preceding the granting of the wage subsidy; if the wage subsidy is granted to an employer engaged in business activities as aid compatible with the General Block Exemption Regulation it is also required that the person to be employed on the subsidy has not been in an employment relationship valid until further notice during the 24 months immediately preceding the granting of the wage subsidy;

4) 50 per cent for the whole duration of the employment relationship, however, not more than for 24 months at a time, if the disability or illness of the person to be employed on the subsidy substantially and permanently or in a permanent manner lowers the productivity in the task offered.

(2) If the wage subsidy is granted in more than one period, the amount and maximum duration of the wage subsidy are determined on the basis of the date of granting of the first wage subsidy period until the calculation of the maximum wage subsidy duration starts again from the beginning.

Section 9

Amount of wage subsidy and maximum duration in certain cases

(1) For associations or foundations that employ an unemployed jobseeker referred to in section 8(1)(3) in tasks not involving business activities, the wage subsidy for the first 12 months is 100 per cent of the employment costs arising from the person to be employed on the subsidy that correspond to at least 65 per cent of the maximum regular working hours in the sector; the working hours may not, however, exceed the maximum laid down in the State budget. [\(30.12.2014/1366\)](#)

(2) A municipality is entitled to a wage subsidy covering 50 per cent of the employment costs arising from the person to be employed on the subsidy when the municipality employs an unemployed jobseeker on the basis of the employment obligation referred to in Chapter 11, section 1. [\(30.12.2014/1366\)](#)

(3) Notwithstanding the provisions on the maximum duration of wage subsidy laid down in section 8(1), the wage subsidy may be granted:

1) for a maximum of 24 months at a time when the person to be employed on the subsidy is over 60 years of age and has been unemployed for a continuous period of at least 12 months immediately before the granting of the wage subsidy;

2) for a maximum of 24 months at a time if a municipality, a joint municipal authority, an association or a foundation employs a person on the subsidy in tasks not involving business activities in which the person in question plans and organises work and training for the unemployed and other services promoting employment;

3) for apprenticeship training for the whole duration of the training. [\(30.12.2014/1366\)](#)

(4) In the situations referred to in subsection 3 above, the amount of wage subsidy after the first 12 months is 30 per cent of the employment costs incurred by the employer as a result of the person to be employed on the subsidy. [\(30.12.2014/1366\)](#)

(5) Notwithstanding the provisions on the six-month maximum duration of the wage subsidy laid down in section 8(1)(1), wage subsidy for the employment of a person under 30 years of age may only be granted for a maximum of 10 months. [\(30.12.2014/1366\)](#)

Section 10 [\(30.12.2014/1366\)](#)

Wage subsidy for a social enterprise

(1) If a social enterprise referred to in the Act on Social Enterprises [\(1351/2003\)](#) employs an unemployed jobseeker referred to in section 1(2) of the Act, the wage subsidy may, notwithstanding the provisions laid down in section 8(1)(2) of this Act, be increased so that the wage subsidy amounts to 50 per cent of the employment costs incurred by the employer as a result of the person to be employed on the subsidy; however, the subsidy may not exceed 1,300 euros per month.

(2) If the disability or illness of the person to be employed on the subsidy substantially and permanently or in a permanent manner lowers the productivity in the task offered, the wage subsidy may, contrary to section 8(1)(4) be granted for a maximum of 36 months at a time.

(3) Contrary to what is laid down on the amount of the wage subsidy in section 8(1)(3), a social enterprise may be granted a wage subsidy that amounts to 50 per cent of the employment costs incurred by the employer as a result of the person to be employed on the subsidy for a maximum of 24 months if the person to be employed on the subsidy is a person referred to in section 1, paragraph 3 of the Act on Social Enterprises.

Section 11 (30.12.2014/1366)

Temporary interruption

(1) If the wage-subsidised work and the payment of wages are interrupted for a period of at least one month, the payment of the wage subsidy will be interrupted. The period of interruption is not included in the maximum duration of the wage subsidy laid down in sections 8 and 9.

Section 12 (30.12.2014/1366)

Calculation of maximum duration over from the beginning

(1) After a person has been employed in wage-subsidised work for the maximum period at one or more employers, a wage subsidy may no longer be granted before the person has been an unemployed jobseeker for at least 10 months during the 12 months preceding the granting of the wage subsidy. The calculation of the maximum duration is, however, always started from the beginning when 24 months have elapsed from the end of the last wage subsidy period.

(2) The 10-month unemployment referred to in subsection 1 above is not required if it is the question of the granting of a wage subsidy in cases referred to in section 8(1)(4) or section 9(3)(1) or (3).

Section 13 (30.12.2014/1366)

Effect of other subsidy on payment of wage subsidy

(1) Together with other subsidies granted for pay costs, and training compensation paid on the basis of apprenticeship, the wage subsidy may at most equal the pay costs incurred to the employer for the person employed through the subsidy.

(2) What is laid down on the cumulation of aid in the General Block Exemption Regulation, applies to the maximum amount of wage subsidies paid to an employer engaged in business activities.

(3) If the wage subsidy, together with other subsidies granted to cover employment costs, exceeds the maximum referred to in subsection 1 or 2, the amount of the wage subsidy is reduced to the extent that it exceeds the maximum amount.

Section 14 (30.12.2014/1366)

Obstacles for payment of wage subsidy

(1) No wage subsidy will be paid if:

- 1) the recipient of the wage subsidy fails to observe the terms laid out in the wage subsidy decision;
- 2) after the granting of the wage subsidy it transpires that the preconditions for a wage subsidy relating to the employer laid down in section 3, the preconditions for a wage subsidy relating to the employment relationship laid down in section 4 or the preconditions concerning the transfer of the person employed on the subsidy laid down in section 5 are not met;
- 3) wage subsidies have been granted erroneously, in excessive amounts or without justification.

Section 15 (30.12.2014/1366)

Appropriations allocated to a state agency or institution

(1) The employment and economic development office may allocate appropriations to a state agency or institution for pay costs incurred from employing an unemployed jobseeker. What is laid down on the wage subsidy in sections 1 and 2, section 3(2) and section 3(3)(1-3), sections 4, 5, 7, 11 and 12, section 13(1) and section 14, applies to the use of the appropriations. What is laid down on the maximum duration of the wage subsidy in section 8 and section 9(3), also applies to the use of the appropriations. The employee's pay costs may be paid from the appropriations in full; however, the costs may not exceed the maximum laid down in the State budget.

Chapter 8

Services for starting up and developing a business

Section 1

Start-up grant

(1) To ensure the livelihood of an individual client who is becoming an entrepreneur, the employment and economic development office may grant a start-up grant at the stage of starting up and establishing business, for a maximum period of 18 months.

(2) The start-up grant will be granted as a de minimis subsidy.

Section 2

Preconditions for awarding a start-up grant

(1) Preconditions for awarding a start-up grant include:

- 1) the individual client having or acquiring sufficient capacities for the intended business activity; and
- 2) the intended business activity being of full-time nature, assessed to have the preconditions for continuous profitable activity.

(2) When awarding a start-up grant, the employment and economic development office may set conditions necessary for receiving a start-up grant.

Section 3

Obstacles for awarding and payment of start-up grant

(1) A start-up grant will not be granted if:

- 1) the intended business activity is assessed to secure a moderate income for the individual client at the start-up and establishment stage of the business;
- 2) the start-up grant is assessed as distorting more than to a minor degree competition between those offering the same products or services;
- 3) an individual client applying for a start-up grant has commenced business activity before the decision on awarding the subsidy was made;
- 4) an individual client applying for a start-up grant would move from an employment relationship to do the same work as an entrepreneur, and it is apparent that his or her primary commissioner would be the previous employer;
- 5) an individual client applying for a start-up grant has materially neglected his or her obligation to pay taxes or statutory fees, or the client has substantial payment defaults falling within the sphere of private law,

unless the employment and economic development office considers awarding of the grant appropriate for specific reasons.

(2) A start-up grant will not be paid if an individual client receives, for the same period:

- 1) wages or compensation for work done, unrelated to the business activity, in which case even pay for the period of annual vacation and pay for a period of notice and such financial benefit referred to in Chapter 3, section 6(1), of the Act on Unemployment Security that must be regarded as securing moderate income;
- 2) a public subsidy for his or her own pay costs;
- 3) unemployment benefit in accordance with the Act on Unemployment Security, social benefit referred to in Chapter, section 3(1) or section 4(2), of the Act on Unemployment Security, or financial aid for students referred to in the Act on financial aid for students (opintotukilaki 65/1994).

Section 4

Amount of start-up grant and compensation days

(1) At least the basic subsidy of a start-up grant will be granted as a start-up grant per day and person. The basic subsidy of a start-up grant per day will equal the basic daily allowance referred to in Chapter 6, section 1(1) of the Act on Unemployment Security, without an additional element. (30.12.2014/1366)

(2) In addition to the basic subsidy of the start-up grant, an additional element of up to 60 per cent of the amount of the basic subsidy of the start-up grant may be granted as a start-up grant.

(3) A start-up grant will be paid at most for five days per calendar week. Further provisions on the days of compensation entitling a start-up grant are given by Government decree.

Section 5

Business development services

(1) The centre for economic development, transport and the environment and the employment and economic development office may provide or acquire for small and medium-sized enterprises (*SMEs*) business development services in the form of training services and expert services for assessing the development needs of an SME, for drawing up a development plan, for supporting the implementation of a plan, and for supporting the networking of SMEs.

(2) Business development services are subject to a charge for enterprises. The share of development services funded by the State constitutes a de minimis subsidy. Provisions on subsidy levels and the maximum duration of expert service are given by Government decree.

Chapter 9

Expense allowance

Section 1

Right to expense allowance

(1) A jobseeker receiving unemployment benefit has the right to receive an expense allowance to compensate travel and other expenses incurred from participating in the following services:

- 1) labour market training;
- 2) a jobseeker's independent studies supported by unemployment benefit, referred to in Chapter 6;
- 3) independent studies referred to in sections 22—24 of the Act on the promotion of integration of immigrants (laki kotoutumisen edistämisestä, 1386/2010);
- 4) jobseeking coaching;
- 5) career coaching;
- 6) a try-out.

(2) To a jobseeker applying for earnings-related daily allowance, the expense allowance will be granted by the unemployment fund, and to a jobseeker applying for a basic daily allowance or labour market support, by Kansaneläkelaitos (Kela), the Social Insurance Institution of Finland.

(3) The employment and economic development office may grant an expense allowance to an individual client without employment who participates in a service referred to in subsection 1(1) or (4—6) and who is not entitled to an expense allowance on the basis of subsection 1, and not entitled to compensation for costs incurred from participating in the service under another Act.

(4) Provisions on the expense allowance paid for the duration of rehabilitative work activities are laid down in the Act on Unemployment Security.

Section 2

Amount of expense allowance

(1) An expense allowance will be paid in the amount of 9 euros per day. However, an expense allowance will be paid in the amount of 18 euros per day if:

- 1) a person participates in a service arranged outside his/her commuting area;
- 2) a person participates in a service provided within his/her commuting area but outside the municipality where he/she habitually resides, and proven accommodation costs are incurred from participation in the service.

(2) A student participating in labour market training given abroad has the right to receive, as compensation for his/her maintenance and accommodation costs during the training, 50 per cent of the per diem allowance normally paid to State officials as compensation for travel costs incurred from official travel to that country.

(3) A jobseeker participating in labour market training provided by the Arctic Vocational Foundation will be paid 16.82 euros per day in expense allowance. Accommodation is provided free of charge for a jobseeker participating in labour market training provided by the Arctic Vocational Foundation.

(4) Further provisions on the determination of the expense allowance referred to in subsection 1, and employment and economic development authorities' obligation to submit information influencing the amount of the expense allowance to an unemployment fund, or Kansaneläkelaitos (Kela), the Social Insurance Institution of Finland, are given by Government decree.

Section 3

Expense allowance compensation days

(1) Expense allowance will be paid at most for five days per calendar week. Anyone participating in labour market training given abroad will be paid expense allowance for seven days per calendar week at most.

(2) For the duration of jobseeking coaching, career coaching, and a try-out, and in the situation referred to in section 1(3), an expense allowance will only be paid for the days on which the service is provided and when the jobseeker participates in the service.

(3) Further provisions on the compensation days entitling an expense allowance are given by Government decree.

Section 4

Restrictions to an expense allowance and its cessation

(1) An expense allowance will not be paid for term holidays during labour market training, a jobseeker's independent studies supported by unemployment benefit, referred to in Chapter 6, or independent studies referred to in sections 22—24 of the Act on the promotion of integration of immigrants (*laki kotoutumisen edistämisestä*, 1386/2010). An allowance will, however, be paid for the period during which a jobseeker receiving unemployment benefit participates in on-the-job learning or training that forms part of the training.

(2) The right of a young person under 25 years of age, without a vocational qualification, to receive an expense allowance for the days participating in a work try-out requires that the right of the participant to

daily unemployment allowance in the work try-out has ended due to the maximum period or that the person has received labour market support for at least 500 days on the basis of unemployment.

(3) Payment of an expense allowance ceases on the day when the jobseeker interrupts the service. Payment of an expense allowance will also cease if a decision has been made to interrupt the service.

Section 5

Application of Act on Unemployment Security and Act on Unemployment Funds

(1) Unless otherwise provided in this Act, the Act on Unemployment Funds (Työttömyyskassalaki 603/1984) and the following provisions of the Act on Unemployment Security shall apply to the expense allowance:

- 1) Chapter 11, section 2 (obligation to submit information);
- 2) Chapter 11, section 3 (decision concerning a benefit);
- 3) Chapter 11, section 5 (payment method);
- 4) Chapter 11, section 6 (temporary interruption or reduction of payment);
- 5) Chapter 11, section 10 (recovery);
- 6) Chapter 11, section 13 (statutes of limitations for recovery claims);
- 7) Chapter 11, section 14 (collection of unemployment benefit in certain cases);
- 8) Chapter 11, section 15 (taking unemployment benefit in distraint);
- 9) Chapter 11, section 15a (falling of a claim of recovery under the statute of limitations);
- 10) Chapter 12 (appeal); and
- 11) Chapter 13, sections 1, 3—8 and 10 (provisions on gaining and submitting information).

(2) If Kansaneläkelaitos (Kela), the Social Insurance Institution of Finland, or an unemployment fund pays unemployment benefit without a decision in the manner provided in Chapter 11, section 8, of the Act on Unemployment Security, and the recipient of unemployment benefit is entitled to receive expense allowance, the Social Insurance Institution of Finland or unemployment fund may, correspondingly, pay it, too, without a decision. In that case, the expense allowance will be paid in full.

(3) Contrary to Chapter 12, section 1(2), of the Act on Unemployment Security, a petition of appeal against a decision of the employment and economic development office must be presented to the employment and economic development office concerned.

(4) The provisions laid down in the Act on Unemployment Security on the duties and authority of the unemployment security ombudsman shall not apply to a matter concerning the expense allowance.

Chapter 10

Discretionary benefits related to services and expert assessments

Section 1

Compensation for travel and accommodation expenses

(1) The employment and economic development office may grant compensation for travel and accommodation expenses to an unemployed jobseeker who seeks work and an unemployed individual client who seeks labour market training, coaching, or a try-out, or participates in an expert assessment referred to in Chapter 4, section 2.

(2) A prerequisite for compensation of travel expenses as referred to above, in subsection 1, is that the compensation of expenses is to be considered appropriate in terms of the availability of labour and the unemployed person becoming employed.

(3) Compensation for travel expenses incurred from visiting the employment and economic development office may be granted to an unemployed individual client who, due to a disability or illness, needs transport service in order to be able to visit the employment and economic development office. A prerequisite for compensation of travel expenses is that a personal visit to the employment and economic development office is necessary in terms of the progress of the service process.

(4) A prerequisite for compensating accommodation costs is that staying overnight on a journey referred to in subsection 1 has been unavoidable due to transport circumstances, and costs have been incurred from accommodation.

(5) Further provisions on travel compensated and grounds for compensating travel costs are given by Government decree.

Section 2

Compensation of removal expenses

(1) The employment and economic development office may grant compensation for removal expenses to a jobseeker who is unemployed, dismissed, or in fixed-term employment and becoming unemployed, who moves to work outside his/her commuting area referred to in Chapter 1, section 9, of the Act on Unemployment Security.

(2) A prerequisite for compensating removal expenses is that the compensation of expenses is to be considered appropriate in terms of the availability of labour force and the jobseeker, unemployed or becoming unemployed, becoming employed.

(3) Compensation of removal expenses cannot be paid to a jobseeker who receives other compensation for costs incurred from moving or who receives a travel subsidy, referred to in Chapter 7, section 3, of the Act on Unemployment Security, as compensation for expenses incurred from accepting work.

(4) Provisions on removal expenses to be compensated and the maximum amount of compensation are given by Government decree.

Section 3

Subsidy for arranging working conditions

(1) The employment and economic development office may grant a subsidy for arranging working conditions to an employer if a disability or illness of a person hired for work or employed at work requires the acquisition of tools or modifications to be carried out at the workplace, and the costs incurred by the employer from acquisition or modification are considered significant with regard to the employer's financial situation. A subsidy for arranging working conditions may also be granted for compensating assistance provided by another employee.

(2) Provisions on the costs to be compensated by subsidy for arranging working conditions, the maximum amount and duration of the subsidy, and the procedure when granting the subsidy, are given by Government decree.

Chapter 11

Employment and regional obligations and an additional subsidy granted to a municipality

Section 1 (20.12.2013/1050)

Provision of rehabilitation, training, or work opportunities

(1) An unemployed jobseeker is secured an opportunity for rehabilitation or labour market training that improves his/her employability if his/her right to a daily unemployment allowance as a wage-earner expires after a maximum period upon his/her turning 57 but before he/she turns 60. (30.12.2014/1366)

(2) The employment and economic development office must arrange, for an unemployed jobseeker who has turned 60 years of age, the opportunity for service promoting employment under terms of the Act on Unemployment Security, or for employment with a wage subsidy, in the service of an employer other than a municipality, before his/her right to daily unemployment benefits as a wage-earner expires due to maximum duration. The service promoting employment or the wage-supported work must be arranged for the minimum duration that complies with the employment condition required for daily unemployment allowance. (30.12.2014/1366)

(3) If an unemployed jobseeker referred to in Subsections 1 or 2 does not get employment in the open labour market, and if it is not possible to arrange an appropriate service promoting employment under terms of the Act on Unemployment Security, rehabilitation, or wage-subsidised work for him/her in the service of an employer other than a municipality as in the manner intended in subsections 1 or 2, the municipality where he/she habitually resides must provide him/her with an opportunity to work as assigned by the employment and economic development office for six months (*employment obligation*). The municipality must provide the work opportunity so that the person to be employed can start work upon the expiry of the maximum time for which a daily unemployment allowance is paid. Provisions on the right of the municipality to receive a wage subsidy for the employees it has employed on the basis of an employment obligation, are laid down in Chapter 7, section 9(2). (30.12.2014/1366)

(4) The work provided under an employment obligation must be full-time work done within regular working hours observed in the occupational sector concerned. A person who receives a disability pension as a part-time pension is provided with part-time work that corresponds to his/her work ability and complies with the employment condition required for a daily unemployment allowance.

(5) Further provisions on implementation of the employment obligation and any notifications related to it are given by Government decree.

Section 2

Restrictions on and expiry of the employment obligation

being at work included in the employment condition,

(1) If a person fails to apply for a daily unemployment allowance or otherwise reach the maximum length of a period of unemployment for qualifying for the allowance before the age of 57 referred to in section 1(1), section 1 will not apply.

(2) Work included in the employment condition performed during the period for qualifying for the employment condition provided in the Act on Unemployment Security and taking part in services promoting employment included in the employment condition reduce the six months' employment obligation accordingly. (20.12.2013/1050)

(3) The employment obligation expires if:

1) the person entitled to a work opportunity refuses without an acceptable reason, referred to in Chapter 2a of the Act on Unemployment Security, work assigned to him/her that corresponds to his/her work ability and is provided for him/her under an employment obligation;

2) the work assigned to the job applicant is interrupted for reasons attributable to the jobseeker; or

3) the job applicant cannot be provided with work after his/her job application has expired, within three months from the entry into force of the employment obligation.

3 § (30.12.2014/1366)

Section 3 has been repealed by Act 30.12.2014/1366.

Section 4

Additional subsidy granted to a municipality

(1) Municipalities are paid an additional subsidy according to the monthly average percentage of the labour force of the region employed by them through a wage subsidy. If a municipality employs at least 0.5 per cent of the labour force of its region, an additional subsidy will be paid to the municipality. An additional subsidy will be paid for the number of persons employed through a subsidy that exceeds the number of persons corresponding to the percentages of labour referred to in subsection 2.

(2) The amount of the additional subsidy is based on the average amount of wage subsidies paid to the municipality per month, per person, and the percentage of employed people in the labour force in the municipality's region. The amount of the additional subsidy per person is determined as follows:

Percentage of persons employed in the labour force	Percentage of additional subsidy
At least 0.5%	10% of average wage subsidy
At least 1.0%	20% of average wage subsidy
At least 2.0%	30% of average wage subsidy

Chapter 12

Implementation of public employment and business service and related cooperation

Section 1

Cooperation with working life organisations and other stakeholders

(1) The employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment must cooperate with other authorities, working life organisations, and other stakeholders. The cooperation aims to support the implementation, planning, and development of public employment and business services.

(2) For the purposes of cooperation, an employment and business services advisory council (*TY advisory council*) works in connection with the employment and economic development office. The employment and economic development office may decide that several TY advisory councils work in connection with the office. A party proposing members for the TY advisory council may submit an initiative of appointing several advisory councils.

Section 2

Appointment of employment and business service advisory council and its duties

(1) The employment and economic development office appoints an employment and business service advisory council for three years at a time, for the purpose of

1) monitoring and predicting changes in the labour market and planning measures required due to the changes, thus promoting and securing the availability of labour force and the improvement of employment;

2) promoting the generation of new business activity and developing the operational preconditions of enterprises; and

3) monitoring and supporting the implementation of the political preconditions of public employment and business service, and making, if necessary, proposals for developing the services.

(2) Further provisions on the duties of the employment and business service advisory council, its composition, the minimum number of meetings per year, chairperson and vice chairperson, and attendance allowances and compensation of expenses will be given by Government decree.

Section 3

Duties of the employment and economic development office in implementing change security

(1) In order to implement change security, the employment and economic development office is tasked with:

1) in collaboration with employer and personnel representatives, exploring the need for public employment and business services in dismissal situations;

2) assisting, together with the centre for economic development, transport and the environment, in drawing up and implementing the plan of action referred to in sections 49(1) and (2) of the Act on Co-operation within Undertakings (334/2007) and sections 9(1) and (2) of the Act on cooperation between the employer and employees in municipalities (laki työnantajan ja henkilöstön välisestä yhteistoiminnasta kunnissa 449/2007) and section 25 (1) and (2) of the Act on Cooperation in state offices and institutions (1233/2013) with regard to public employment and business services;(30.12.2013/1236)

3) allocating sufficient resources and preparing for necessary measures, having received from an employer the notification referred to in Chapter 9, Section 3a of the Employment contracts Act, Chapter 10, Section 4 of the Seafarers' Employment Contracts Act or Section 37 A of the Act on municipal officials (Kunnallisesta viranhaltijasta annettu laki) (304/2003).(20.12.2013/1050)

Section 4

Private employment services

(1) In this Act, 'private employment services' are employment services provided by a private or legal person, independent of employment and economic development authorities, and other services related to job-seeking, as well as labour force leasing.

(2) Providers of private employment services must comply with provisions on equality, referred to in Chapter 1, section 7, and they must not supply under-age labour force for work for which employing under-age labour force is prohibited under the Young Workers Act (998/1993).

(3) For the purpose of monitoring private employment services, the Ministry of Employment and the Economy has the right to gain information on private employment services from corporations providing private employment services or representing them. Further provisions on the information to be provided, and on processing information and other forms of cooperation, are given by Government decree.

Section 5

Prohibition of charges for employment exchange

(1) Providers of private employment services must not charge fees (*prohibition of charges for employment exchange*) from individual clients for services provided that correspond to employment exchange services referred to in Chapter 3, section 2, distribution of information and giving advice on vacant jobs and jobseeking, referred to in Chapter 4, section 1, or registration as a jobseeker referred to in Chapter 2, section 1. No charge may be collected from a temporary agency worker who, after the termination of an assignment, transfers to the employment of a user enterprise, referred to in Chapter 1, section 1, of the Employment Contracts Act.

(2) Sanctions for violating the prohibition against charges are laid down in Chapter 47, section 6, of the Criminal Code.

(3) The prohibition of charges for employment exchange does not apply to services offering the possibility for Finnish young people abroad and foreign young people in Finland to stay in another country in exchange for household work in a family (*exchange of au pair positions*).

Section 6

Right of access to information

(1) The employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment have the right to obtain, free of charge, notwithstanding confidentiality and other restrictions of access to information, information necessary for the implementation of public employment and business services, from other state authorities, municipal authorities, the Social Insurance Institution of Finland, the unemployment fund, the Finnish Centre for Pensions, the Unemployment Insurance Fund, a service provider of public employment and business services, and the organiser of a work try-out, referred to in Chapter 4.

(2) The provider of public employment and business services has the right to obtain, free of charge, notwithstanding confidentiality and other restrictions of access to information, information from the employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment on an individual client, as necessary for providing the service.

(3) Notwithstanding confidentiality provisions and other restrictions of access to information, an employer has the right to obtain, free of charge, information from the employment and economic development authority on whether the person specified by the employer is a registered jobseeker with the employment and economic development office, in order to fulfil the obligation concerning the re-employment of a dismissed employer and public servant laid down in acts on employment and public-service employment relationships. In order to meet the precondition for granting the wage subsidy laid down Chapter 7, section 3(2), an employer also has the right to obtain information on whether the person specified by the employer, whose employment relationship has ended during the 12 months preceding the application for the wage subsidy, is a registered jobseeker with the employment and economic development office. (30.12.2014/1366).

(4) The information referred to above in subsections 1 and 2 may also be submitted in machine-language form or over a technical connection.

Section 7

Denial of public employment and business service

(1) The employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment may, for a reason referred to in Chapter 3, section 3(1), refuse to:

- 1) provide employment services for an employer client;
- 2) guide an individual client to a work try-out;
- 3) acquire labour market training as jointly acquired training;
- 4) award a wage subsidy or a start-up grant; or
- 5) provide business development services.

(2) The employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment will issue a decision in writing on the denial of service referred to in subsection 1. Provisions on appealing against a decision by the employment and economic development authorities are laid down in Chapter 14, section 1.

Section 8

Granting, payment, and recovery of subsidies and compensations

(1) The centre for economic development, transport and the environment pays subsidies and compensations in accordance with this Act, granted by the employment and economic development office. Unless otherwise provided in this Act, the provisions of the Act on Discretionary Government Transfers (688/2001) apply to granting, payment, and recovery of subsidies and compensations. The centre for

economic development, transport and the environment serves as the State aid authority referred to in the Act on Discretionary Government Transfers when a subsidy or compensation is recovered.

(2) When an employment and economic development office grants a subsidy or compensation to an individual client, sections 11(4) and (5) of the Act on Discretionary Government Transfers on matter to be indicated in the decision to grant discretionary government aid, sections 15—18 on state aid authorities' duty of supervision, right to audit, performance of audit, and executive assistance, and sections 24 and 25 on interest and penalty interest shall not apply.

(3) If it has been decided that a subsidy or compensation paid to an individual client is to be recovered, recovery of a part of a benefit paid later by the employment authority must comply with the provisions laid down in Chapter 4, section 48, of the Enforcement Code (705/2007) on the protected portion of garnishment of wages. With an individual client's consent, however, the part recovered may be higher.

(4) Further provisions on the procedures for applying for, granting, and paying subsidies and compensations, and the division of duties between the centre for economic development, transport and the environment and the employment and economic development office authorities, are given by Government decree.

Section 9 (30.12.2014/1366).

Section 3 has been repealed by Act 30.12.2014/1366.

Section 10 (30.12.2013/10 year 2014)

Employment policy assistance and the use of employment appropriations for other types of employment promotion

The Ministry of Employment and the Economy, the centre for economic development, transport and the environment, or the employment and economic development office may, within the limits of the State budget, allocate or grant employment appropriations as employment policy assistance, to a state agency or institution, municipality, joint municipal board, other corporation, foundation, or social enterprise, for the improvement of the labour market skills and the promotion of their employment, and for other promotion of employment.

Provisions for employment policy assistance and the use of employment appropriations for other promotion of employment shall be specified by Government decree.

Chapter 13

Employment and economic development office customer data system

Section 1

Employment and economic development office customer data system

(1) The employment and economic development office customer data system is maintained for the purpose of providing public employment and business service. The data system consists of a register of individual clients, a register of employers, and a register of service providers. Provisions on the business services customer data system, maintained by the Ministry of Employment and the Economy, are laid down in the Act on the customer data system for business services (Laki yrityspalvelujen asiakastietojärjestelmästä 240/2007).

(2) Unless otherwise provided in this Act or another Act, the provisions laid down in the Act on the Openness of Government Activities (621/1999) shall apply to disclosure of information from the employment and economic development office customer data system and the openness of information saved in it. The provisions laid down in the Personal Data Act (523/1999) shall apply to the processing of personal data saved in the data system.

Section 2

Registrar

(1) The Ministry of Employment and the Economy is the controller responsible for the general functioning of the employment and economic development office customer data system and the consistency of register operations. Employment and economic development offices manage other duties provided for controllers, unless otherwise provided by the Ministry of Employment and the Economy.

Section 3

Register-specific information

(1) For customer service purposes, the following may be saved in an individual client register concerning an individual client:

- 1) distinguishing data, including a personal identity number;
- 2) data related to customer relations with the employment and economic development office and doing business with the office, and any data related to special arrangements in relation to this;
- 3) data on education, work history, and professional competence;
- 4) data concerning the need for services and plans;
- 5) data on job offers and presentations to employers;
- 6) data on public employment and business services and other services promoting employment, and expert assessments;
- 7) data on health and other aspects required for providing public employment and business services;
- 8) accounts related to unemployment security and labour policy statements;
- 9) data on benefits included in public employment and business services.

(2) For the purposes of employment and business services, the following may be saved in an employer register concerning an employer:

- 1) identifying data;
- 2) data related to customer relations with the employment and economic development office and doing business with the office;
- 3) data on operations and need for services;
- 4) data on positions and filling them;
- 5) decisions on wage subsidies and related monitoring and payment data;
- 6) agreements on work try-outs;
- 7) other data related to the planning and implementation of public employment and business services.

(3) For customer service purposes, the following may be recorded in a register of service providers:

- 1) identifying data on the service provider;
- 2) data related to services provided;
- 3) procurement contracts concluded with the service provider, and payment data;
- 4) data concerning the service acquired;
- 5) application, selection, and monitoring data on the service;
- 6) other data regarding the service provider, as necessary for the planning and provision of public employment and business services.

(4) Other data necessary for the planning, provision, and monitoring of public employment and business services, not constituting personal data, may also be recorded in the registers. Registers may also include documents and other files to be kept separate from the customer data system of the employment and economic development office.

Section 4

Recording, deletion, and archiving of data

(1) Individual clients must be informed of customer data being recorded in the data system. If the source of personal data recorded in the register is not the registered person him/herself, an entry must be made in the register identifying the source of the information and the party having entered it.

(2) Data concerning an individual client, referred to in sections 3(1)(2), (4), and (5) will be deleted from the data system two years after making the entry of the data. All information concerning a client or service provider will be deleted when five years have passed since the end of a customer relationship or contractual relationship. Data will not be deleted if it is necessary for managing a task based on regulations, or due to a pending matter.

(3) Provisions on archiving data are laid down in the Act on archives (Arkistolaki 831/1994).

Section 5

Granting of the right of use and disclosure of confidential personal data in certain situations

(1) A public servant of the employment and economic development office, the customer service centre of the employment and economic development administration, the centre for economic development, transport and the environment or Ministry of Employment and the Economy, who has been granted right of use to the customer data system of the employment and economic development office, may, notwithstanding, search and use data recorded in the customer data system, if it is necessary for providing customer service, for clarifying or solving a pending matter, or for carrying out a supervisory, development, or monitoring task.

(2) The Ministry of Employment and the Economy or the centre for economic development, transport and the environment may grant the right of use to the customer data system of the employment and economic development office to a party outside the employment and economic development administration that, assigned by a ministry or a centre for economic development, transport and the environment, is carrying out a separate assessment, audit, or account, or performing a separately defined service duty. The centre for economic development, transport and the environment is obliged to inform the Ministry of Employment and the Economy of a right of use granted to an outside party.

(3) The Ministry of Employment and the Economy decides on giving a permission referred to in section 28 of the Act on the Openness of Government Activities for submitting confidential data included in the customer data system of the employment and economic development office for the purposes of compiling statistics, conducting scientific research or planning, or examination by authorities.

Section 6

Consent for disclosing data to an employer

(1) Consent in writing must be requested from a jobseeker for disclosing data to an employer, as necessary for filling a position. An entry of consent or declining to provide it is made in the register of individual clients.

(2) Data necessary for filling a position include:

- 1) the jobseeker's name and contact details, native language, other language skills, and nationality;
- 2) the jobseeker's education and vocational qualifications completed, and the contents and grades of those insofar as necessary;
- 3) work history with information given in work certificates;
- 4) details on performing military conscription,
- 5) specialist competence, work and training aspirations, as well as a jobseeking presentation for employers, prepared by the jobseeker him/herself.

(3) Information concerning the jobseeker's state of health may only be disclosed to employers subject to specific consent in writing by the jobseeker. The health data disclosed must be necessary for fulfilling the specific health requirements of the vacant position or line of profession in question, or for promoting the employment of a jobseeker whose disability or illness makes it difficult to find employment.

Chapter 14

Appeal

Section 1

Claim for rectification and appeal

(1) Unless otherwise provided in this Act, rectification may be applied for against a decision issued by the employment and economic development office, the customer service centre of the employment and economic development administration, or the centre for economic development, transport and the environment under this Act by presenting a claim to the authority having issued the decision, in the manner provided in Chapter 7a of the Administrative Procedure Act (434/2003).

(2) A decision on a claim for rectification may be appealed against by lodging an appeal in the Administrative Court in compliance with the provisions laid down in the Administrative Judicial Procedure Act (586/1996). A decision by the Administrative Court may only be appealed against if the Supreme Administrative Court grants a permit of appeal.

(3) Rectification may not be claimed to a decision, and it may not be appealed against if:

1) a decision on student selection for labour market training is based on the preconditions provided in Chapter 5, section 3(1); a decision on student selection that was based on the aptitude of the person is, however, subject to rectification or appeal, if the training in question is other than that referred to in Chapter 5, section 7;

2) the wage subsidy is denied on the basis of Chapter 7, section 2(1); a decision on a wage subsidy is not subject to a claim for rectification or appeal, not even insofar as the decision applies to the amount or duration of the wage subsidy; (30.12.2014/1366)

3) a decision denies compensation for travel and accommodation expenses on the basis of Chapter 10, section 1(2), or for removal expenses on the basis of Chapter 10, section 2(2);

4) the decision concerns the decision not to provide vocational guidance and career planning, coaching, try-out, expert assessments, and business development services to a client, or not to support a jobseeker's independent studies.

Section 2

Impact of a claim for rectification and appeal on the implementation of a decision

(1) A decision issued by the employment and economic development office, the customer service centre of the employment and economic development administration, and the centre for economic development, transport and the environment under this Act may be implemented regardless of a claim for rectification or appeal lodged against it, unless otherwise provided by the authority processing the claim for rectification, or the appellate authority.

Section 3

Appeals against certain decisions

(1) A decision by the employment and economic development office on student selection, based on the preconditions provided in the Acts referred to in Chapter 5, section 3(2), may be appealed against as provided in the Act concerning the educational institution in question.

(2) The provisions laid down in the Employment Accidents Insurance Act shall apply to appeals against a decision by the State Treasury referred to above in Chapter 4, section 11.

Chapter 15

Entry into force

Section 1

Entry into force

(1) This Act enters into force on 1 January 2013. Section 5 of Chapter 8 therein will, however, not enter into force until 1 January 2014.

(2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 2

Provisions repealed

(1) This Act repeals:

- 1) the Act on the public employment service (1295/2002); and
- 2) the Act on the labour administration customer service data system (laki työhallinnon asiakaspalvelun tietojärjestelmästä 1058/2002).

Section 3

Transitional provisions

(1) The provisions in force at the time of the entry into force of this Act will apply to a service and measure and benefits paid to an individual client for the duration of them, if the service or measure commenced before the entry into force of this Act, and continues uninterrupted, or periodically, after the entry into force of this Act.

(2) The provisions in force at the time of the entry into force of this Act will apply to an employment subsidy referred to in the Act on the public employment service, if the employment relationship or business activity, on the basis of which the employment subsidy is paid, commenced before the entry into force of this Act.

(3) When granting a wage subsidy for the employment of a person who has received unemployment benefit on the basis of unemployment for at least 500 days, in accordance with Chapter 7 of this Act, account shall be taken of the duration of time for which the person employed through the subsidy:

- 1) has been paid unemployment benefit on the basis of participation in a service promoting employment, before the entry into force of this Act; and
- 2) has been paid a daily unemployment allowance after the entry into force of this Act on the basis of such participation in a service promoting employment that commenced before the entry into force of this Act, and continues uninterrupted after the entry into force of this Act.

(4) The provisions in force at the time of the entry into force of this Act will apply to compensation for expenses incurred from:

- 1) travel or removal related to jobseeking or moving to a new job, which took place before the entry into force of this Act;
- 2) seeking labour force training or independent training, if this took place before the entry into force of this Act;
- 3) visiting a service institution, other service unit, or going to an appointment with a private expert or the employment and economic development office, if the visit took place before the entry into force of this Act.

(5) The provisions in force at the time of the entry into force of this Act will apply to employment policy support, if the activity in question is one on which the decision to support it through employment policy support was made before the entry into force of this Act.

(6) The provisions in force at the time of the entry into force of this Act apply to appeals against a decision issued by the employment and economic development office, the customer service centre of the

employment and economic development administration, or the centre for economic development, transport and the environment before the entry into force of this Act.

(7) If a lay-off commences no later than on the 30th of June 2013, a person's jobseeking is considered to have entered into force if a mass layoff notice has been given on this person by his/her employer, referred to in Chapter 3, section 5, of the Act on the public employment service.

(8) Special services for employer clients subject to charges, referred to in Chapter 4, section 6, of the Act on the public employment service, may be provided until 31 December 2013. The provisions in force at the time of the entry into force of this Act will apply to the provision of services.

Helsinki, 28 December 2012

President of the Republic

SAULI NIINISTÖ

Minister of Economic Affairs *Jan Vapaavuori*

Entry into force, and application, of the amended provisions:

20.12.2013/1050:

This Act enters into force on 1 January 2014. However, its section 1(2) in Chapter 11 shall only apply as from 1 January 2017.

HE 90/2013, HE 176/2013, StVM 24/2013, TyVL 14/2013, PeVL 25/2013, EV 172/2013

30.12.2013/1236:

This Act enters into force on 1 January 2014.

HE 152/2013, TyVM 11/2013, HaVL 28/2013, EV 210/2013

30.12.2013/10 v. 2014:

This Act enters into force on 1 July 2014.

The provisions on spending employment appropriations on investments that are valid as this Act enters into force shall apply to activities if the relevant application for support is pending at a Centre for Economic Development, Transport and the Environment as this Act enters into force.

16.5.2014/390:

This Act enters into force on 1 June 2014.

HE 174/2013, TaVM 33/2013, EV 173/2013

19.12.2014/1133:

This Act enters into force on 1 January 2015.

HE 197/2014, HaVM 30/2014, EV 190/2014

30.12.2014/1339:

Separate provisions regarding the entry into force of this Act shall be issued by Act.

HE 19/2014, HE 111/2014, TyVM 11/2014, EV 223/2014

30.12.2014/1366:

This Act enters into force on 1 January, 2015. However, Chapter 11, section 1(2) of the Act will only apply as from 1 January 2017. Chapter 7, section 9(5) of the Act will remain in force until 31 December 2016 and it will apply to the granting of a wage subsidy for an employment relationship that starts on 31 December 2016 at the latest.

The legal provisions in force at the time of the entry into force of this Act will apply to the decisions concerning wage subsidies made before the Act's entry into force.

HE 198/2014, PeVL 38/2014, TyVM 10/2014, EV 207/2014

30.12.2014/1371:

This Act enters into force on 1 January, 2015.

HE 183/2014, StVL 14/2014, HaVL 28/2014, PeVL 41/2014, TyVM 12/2014, EV 227/2014

30.12.2014/1375:

This Act enters into force on 1 January, 2015.

HE 162/2014, TyVM 9/2014, EV 202/2014