

Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Economic Affairs and Employment, Finland

Act on the Continuation of Contractual and Public-Service Employment Relationships
of People Fulfilling Their National Defence Obligation
(305/2009)

Section 1

Scope of application

- (1) This Act lays down provisions on the continuation of the contractual employment relationships and public-service employment relationships of people called to service under the Conscription Act (1438/2007) and the Non-Military Service Act (1446/2007).
- (2) The provisions laid down in this Act on employees also apply to public servants in central and local government.

Section 2

Release from work and notification of service

- (1) An employee is entitled to be released from work in order to perform the service referred to in section 1.
- (2) An employee must provide the employer with documentation about the call to service no later than two months prior to the commencement of service or, if this is not possible, immediately after the employee has been informed about the commencement of service.

Section 3

Termination of employment contract of a person called to service

- (1) An employer may not terminate the employment contract of an employee on the basis of the service referred to under this Act.
- (2) If an employer terminates the employment contract of an employee called to or undertaking service after the employee has provided the employer with the documentation about the call to service referred to in section 2, the termination shall be deemed to have taken place on the basis of the employee's call to service, unless the employer can prove there was some other reason.
- (3) An employer may terminate the employment contract of an employee carrying out service on financial and production-related grounds only if the employer closes down its operations or discontinues its business activities entirely.
- (4) In connection with a business transfer or a comparable rearrangement of a public corporation, or should the employer go bankrupt or die, the provisions laid down in the Employment Contracts Act (55/2001) and the Act on Civil Servants in Local Government (304/2003) and elsewhere in the law shall apply to the termination of a person called to service.

Section 4

Right to return to work of a person called to service

When the service ends or is interrupted, the employee has the right to return primarily to the job in which the employee was previously engaged. If this is not possible, the employee shall be

offered equivalent work in accordance with the employment contract or service relationship, and if this not possible either, other work by agreement.

Section 5

Return to work

- (1) The employee shall notify the employer about the return to work at least 14 days before the intended date of return and shall return to work within 14 days from the date of notification unless otherwise agreed between employer and employee.
- (2) If the employee has not notified the employer about the return to work within one month of the end of service or its interruption, the employer is entitled to regard the employment contract as cancelled from the date of the conclusion or interruption of the service. If, for an acceptable reason, the employee has been unable to notify the employer about the return to work, the cancellation of the employment contract shall be null and void.
- (3) However, anyone called up for reservist training or extraordinary service must return to work immediately upon the service no longer preventing the return.
- (4) Provisions concerning the obligation of the commander of a military unit and the director of the Centre for Non-Military Service to provide the person carrying out service with necessary information on the contents of this section are laid down in section 107 of the Conscription Act and section 55 of the Non-Military Service Act. Provisions concerning the right of the employer to be notified about the end of the service are laid down in section 97 of the Conscription Act and section 94 of the Non-Military Service Act.

Section 6

Compensation for groundless termination of a contractual or public-service employment relationship

- (1) If the employer has terminated an employment contract contrary to the grounds laid down in this Act, the employer shall be ordered to pay compensation for groundless termination of the employment contract as laid down in Chapter 12, section 2, of the Employment Contracts Act.
- (2) Provisions concerning the continuation of a public-service employment relationship that has been terminated or cancelled contrary to this Act are laid down in section 55 of the Act on Public Servants (750/1994) and section 44 of the Act on Civil Servants in Local Government.

Section 7

Availability and penal provision

- (1) The employer shall make this Act freely available to employees in the workplace.
- (2) If an employer or its representative, intentionally or through negligence, commits a breach of this section, a fine shall be imposed for *violation of the Act on the Continuation of Contractual and Public-Service Employment Relationships of People Fulfilling their National Defence Obligation*. The respective liability of the employer and its representative is determined on the basis of the grounds laid down in Chapter 47, section 7, of the Criminal Code of Finland (39/1889).

Section 8

Supervision

The occupational safety and health authorities shall supervise the observance of this Act.

Section 9

Entry into force

- (1) This Act enters into force on 1 August 2009.
- (2) This Act repeals the Act on the Continuation of the Employment and Civil Service Contracts of Persons Liable for Military Service Called to Service (579/1961) issued on 1 December 1961, as amended.