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EMCC

European Monitoring Centre on Change

Finland: Effects of non-compliance with dismissal regulations

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Finland

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 27 September, 2019

Native name:

Työsopimuslaki (55/2001), Laki yhteistoiminnasta yrityksissä (334/2007), Laki yhteistoiminnasta valtion virastoissa ja laitoksissa (1233/2013), Laki työnantajan ja henkilöstön välisestä yhteistoiminnasta kunnissa (449/2007)

English name:

The Employment Contracts Act (55/2001), Act on Cooperation within Undertakings (334/2007), Act on Cooperation within Government Agencies and Institutions (1233/2013), Act on Cooperation [...] within Municipalities (449/2007)

Article

55/2001: Ch. 12, Sec. 2. 334/2007: Ch. 9, Sec. 62-64. 1233/2013: Ch. 7, Sec. 43-45. 449/2007: Sec. 21-23

Description

An employer who terminates an employment contract against the conditions set by legislation, or who has caused the employee to end the contract through disrespecting employment legislation, may have to reimburse the ex-employee with a sum corresponding to a minimum of three and a maximum of 24 months' salary. For employee representatives, the sum may correspond up to 30 months' salary. The reimbursement sum will depend on:

- the estimated length of unemployment and estimated loss of earnings;
- the duration of the employment relationship;
- the employee's age and employability/employment prospects within a relevant field and at a relevant level of education;
- the employer's procedure in terminating the contract;
- in case of a fixed-term contract, the remaining period of the contract;
- any potential motive for termination originating in the employee;
- the general circumstances of the employer and the employee;
- other relevant aspects.

Furthermore, if cooperation negotiation procedures during restructuring are not respected, the employer may be liable to pay an affected employee a compensation of up to €30,000 (indexed). This applies to local governments and private companies with 20 employees or more. For state employers and employees, the maximum compensation sum is €34,140. The compensation sum will depend on the degree of neglect towards negotiation procedures, the general conditions of the employer, and the duration of the employee's employment contract as well as the nature of the measure that affects him/her.

Employees can take action against non-compliant employers through trade union representatives and the courts. The indemnification expires if no action is taken within two years of the employer's breach against contract termination conditions.

Comments

Trade unions generally offer legal support to their members in case of employer non-compliance with dismissal regulations.

Cost covered by

Employer

Involved actors other than national government

Trade union

Other









Involvement others

Court

Thresholds

No, applicable in all circumstances

Sources

-  Ius Laboris (2009), Collective Redundancies Guide, Brussels;
-  [EMCC legal framework of restructuring](#)
-  [Employment Contracts Act \(55/2001\)](#)
-  [Työsopimuslaki \(55/2001\)](#)
-  [Act on Cooperation within Undertakings \(334/2007\)](#)
-  [Laki yhteistoiminnasta yrityksissä \(334/2007\)](#)
-  [Laki yhteistoiminnasta valtion virastoissa ja laitoksissa \(1233/2013\)](#)
-  [Laki työnantajan ja henkilöstön välisestä yhteistoiminnasta kunnissa \(449/2007\)](#)

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