

The use of foreign labour

An employer and a contractor have many different obligations when they are hiring a foreign employee or have a foreign temporary agency workers or work is based on a subcontract with a foreign company. This text is mainly focused on the employer's obligations. More about contractor's obligations in the [Act on the Contractor's Obligations and Liability when Work is Contracted Out](#).

Under the Aliens Act, an employer with foreign employees must ensure that an alien entering his or her service and working in his or her employment has the required residence permit for an employed person or that the alien does not need a residence permit before making an employment contract. The contractor has the same obligation if the contractor is the main contractor and the foreign company has foreign employees to perform temporary acquisition or subcontracting tasks.

A foreign employee is allowed to work in Finland if he or she is an EU- or EEA-citizen, he or she has the required residence permit for an employed person or he or she under the Aliens Act does not need a residence permit. An employee from outside EU/EEA country does not need a residence permit for example when he or she is a permanent employee of a company that operates in another EU/EEA country, and he or she comes to Finland to perform temporary acquisition or subcontracting tasks as specified in the regulations concerning the freedom to provide services. In this case the employee must also have permits that allow him or her to reside and work in said country, and these permits must be valid when the work in Finland is finished. More about residence permit for an employed person in the [Alien's Act](#) or on the [Finnish Immigration Service's website](#).

The employer has to check that a foreign employee has the right to work in Finland from employee's passport, other official travel document or from a residence permit card. It is advisable that the employer takes a copy from the document. It is also possible to use the form that the occupational safety and health authorities have offered. A driving license is not an adequate document to verify the right to work. An employee has the right to work in one or several professional fields depending on his or her residence permit for an employed person so the employer has to pay attention also to this when verifying the right to work. The contractor shall store the information on the aliens in his or her employment and on the grounds for their right to work at least until the work is completed. The employer has that same obligation for four years beyond the termination of the alien's employment.

If an employee does not yet have a residence permit for an employed person, the employer or contractor shall attach to an application:

- 1) written information on principal terms of work referred to in Chapter 2, section 4 of the Employment Contracts Act;
- 2) an assurance that the terms comply with the provisions in force and the relevant collective agreement and
- 3) upon request by an employment office, a statement confirming that the employer has met and will meet his or her obligations as an employer.

Under the Aliens Act, the employer is required to submit information to the employment and economic development office (TE Services) without delay and in free form when the employer hires a person other than an EU citizen. The employer shall also inform the shop steward, the elected representative and the occupational safety and health representative of the alien's name (if other than EU citizen) and the applicable collective agreement.

