

Agreement on Cooperation between the Labour Inspectorate of Estonia and the Division of Occupational Health and Safety of the Regional State Administrative Agency for Southern Finland

Title of the policy or measure (in English)	Agreement on Cooperation between Estonia and Finland on Estonian posted workers in Finland
• Country	Estonia
• Sectors	All
• What groups are targeted by the measure	- Estonian posted workers in Finland (direct) - Estonian labour inspectors (indirect) - Finnish Labour Authority (indirect)
• Purpose of measure	Prevention
• Short sentence summarising the measure	On 3 December 2014 the heads of the Labour Inspectorate of Estonia and the Division of Occupational Health and Safety of the Regional State Administrative Agency for Southern Finland concluded an Agreement on Cooperation, aimed at ensuring rights and equal treatment in the labour market of Estonian workers posted to work in Southern Finland.
Background	
• Background context driving the implementation of the measure	The Agreement on Cooperation arose in the context of a significant proportion of Estonian workers being employed in Finland. The majority of posted Estonian workers are posted to Finland. A1 statistics ¹ for 2017 reveal that 3 746 workers were posted from Estonia to Finland (out of a total of 6 305). According to Finnish data, almost 50 % of prior notices ² for posted workers have been sent by Estonian companies. Cooperation between the two countries exchanging and checking information on Estonian companies posted to Finland also helps to detect the presence of letterbox company fraud.
• When was the measure implemented? (including start date and end date/ongoing)	Since December 2014 - ongoing
• Names(s) of authorities/bodies/organisations involved	<ul style="list-style-type: none"> • Labour Inspectorate of Estonia • Division of Occupational Health and Safety of the Regional State Administrative Agency for Southern Finland
• Scope of the measure (a pilot project, nationwide, regional wide)	National for Estonia, regional for Finland. However, it is likely the Agreement will encompass the whole of Finland in the next two years.
• Type of (policy) measure	Other If "other", please specify: Cooperation Agreement
• Key objectives of the measure	The objective of the Agreement on Cooperation is to ensure the rights and equal treatment in the labour market of Estonian workers posted to work in Finland.

¹ Internet: <http://www.sotsiaalkindlustusamet.ee/et/organisatsioon-kontaktid/statistika-ja-aruandlus>

² Prior notice concerns the obligation on the employer to register posted workers before they start their work in another member state. This obligation has been in force in Finland since 1 September 2017

Specific measure	
<ul style="list-style-type: none"> Description of how the measure operates in practice 	<p>As part of the Agreement on Cooperation between the Estonian and Finnish parties, the following activities are carried out;</p> <ul style="list-style-type: none"> <i>Information transfer:</i> the Southern Finnish Agency has agreed to transfer information about Estonian companies operating in its region to Estonian labour inspectors in particular circumstances, for example, when the Internal Market Information System (IMI) cannot be used to transfer the information because the nature of the information does not fall within its scope, when they have information about work accidents that have occurred to Estonian posted workers in Southern Finland, etc. <i>Biannual meetings:</i> The two parties meet biannually to implement and evaluate the Agreement on Cooperation. They evaluate the effectiveness of information sharing, informing each other how they have used the information received, and examining particular cases in order to make the practice more effective. Information is also shared at these meetings on general issues related to work environment and labour law in their respective countries, sharing information concerning significant changes in both countries' internal law that may have a strong impact on employers and employees in the other country. <i>Exchange of labour inspectors:</i> While in Finland, Estonian inspectors are present at inspections, getting informal and practical training on the enforcement of Estonian workers' rights in Southern Finland. Joint visits are made for the purposes of training and cooperation on cases involving Estonian workers. If the Labour Inspectorate of Estonia identifies a need for visits from Southern Finnish labour inspectors, visits may be agreed on an ad-hoc basis in relation to a specific case. <i>Raising awareness among Estonian posted workers:</i> Both parties have agreed to work together in raising awareness among Estonian posted workers concerning their rights and obligations while working in Finland in relation to labour law and occupational safety and health matters, sharing materials developed and using both parties' official websites to raise awareness among the posted workers.
<ul style="list-style-type: none"> What resources and other relevant organisational aspects are involved? 	<p>Implementation of the Agreement on Cooperation is funded by the European Social Fund and by each authority's budget.</p> <p>Concerning human resources, in Finland there are 4 persons actively involved in the implementation of the agreement plus various inspectors in different activities. In Estonia it is organised by one responsible person involving inspectors and other officials working on the different activities.</p>
<ul style="list-style-type: none"> What are the source(s) of funding? 	<p>The cost of activities as part of the Agreement on Cooperation is funded by both the Estonian Labour Inspectorate and the Division of Occupational Health and Safety of the Regional State Administrative Agency for Southern Finland</p>
Evaluation and outcome	
<ul style="list-style-type: none"> Has the measure achieved its objectives? 	<p>As a result of the Cooperation, Estonian inspectors have received a great deal of training in inspection activities, and in particular, concerning posted workers. Estonia only began to receive posted workers in recent years, having tended in the past to be a sending country only. Awareness has increased among Estonian authorities concerning Finnish internal regulations, with Finnish inspectors being involved in information sessions in Estonia about temporary work agencies. The plan in the next couple of years is to carry out a campaign in Estonia concerning posted workers which will include Finland.</p>

	Finally, as a result of the Agreement on Cooperation, both countries now have effective working methods on the exchange of materials and information.
<ul style="list-style-type: none"> Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved 	The Agreement on Cooperation appears to be successful. The partners to the Agreement meet twice a year – once in Finland and once in Estonia. During these meetings, practical work is carried out with at least 2 or 3 workplaces visited in Finland where Estonian workers have been posted. There is a very good working relationship between the two countries with assistance being provided by Estonian authorities at the request of Finnish inspectors regarding information on Estonian companies. Online materials useful for Estonian employers and employees concerning Finnish internal regulations and collective agreements will also be provided.
<ul style="list-style-type: none"> What are lessons learnt and the key conditions for success? 	<p>Success factors and lessons learnt include the following;</p> <ul style="list-style-type: none"> Fast and effective sharing of information as the relationship between the parties matures; Face-to-face contact at biannual meetings facilitates problem solving; The availability of valuable background information on a company, due to information sharing, before the inspection activity occurs; Regular practical training for Estonian labour inspectors via joint inspections, increasing knowledge of the working conditions for Estonian posted workers and labour laws and occupational safety and health matters in Southern Finland; Positive effect on employers concerning working conditions as a result of scrutiny from both labour inspectorates.
<ul style="list-style-type: none"> Level of transferability (e.g. other countries/groups/sectors) 	<ul style="list-style-type: none"> A strong willingness for cooperation is a critical factor in how transferable this practice is. Also, removing unnecessary bureaucracy within and between countries in order to operate an agreement is necessary – it is important to take advantage of all the tools available to both countries to come up with inventive solutions to tackle the problem of undeclared work e.g. mapping the tools which both countries have access to, as well as mapping the situation in each country that needs to be addressed.
Additional information	[blank]
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<ul style="list-style-type: none"> Sources 	<ul style="list-style-type: none"> http://ti.ee/en/organisation-contacts/the-labour-inspectorate/international-agreements/ http://ti.ee/en/organisation-contacts/the-labour-inspectorate/posted-workers/
<ul style="list-style-type: none"> Metadata and key words for online search 	Estonia; Finland; agreement; cooperation; posted workers; prior notices; health and safety; working conditions; workers' rights; equal treatment; information sharing; information exchange; information transfer; Internal Market Information System (IMI); letterbox companies; joint inspections; awareness raising; collective agreements; training.