





European Platform Undeclared Work

Employee sharing /joint employment in agriculture

Finland

	Summary <p>In a Joint Employment contract an employee works for two or more employers in the farming industry as part of a single employment relationship. This allows increased flexibility for employers and the equivalent of full-time contracts for employees, in a sector which is mainly based on seasonal and on-demand work.</p>
Title of the practice in original language	<i>Työntekijöiden jakaminen ja yhteinen työllistäminen maataloussektorilla.</i>
Name(s) of authorities/bodies/organisations involved	<ul style="list-style-type: none"> Ministry of Economic Affairs and Employment
Sectors	Agriculture and fishing
Target groups	<ul style="list-style-type: none"> Small enterprises such as family farms (directly targeted); Seasonal workers in the agricultural sector (directly targeted); Workers involved in undeclared work/irregular employment (indirectly targeted); Farms involved in undeclared work (indirectly targeted).
Purpose of measure	Legitimising undeclared work

	Aims and objectives <p>Two or more employers act together to employ a worker in a single employment relationship, increasing flexibility for employers, as well as job opportunities and worker protection for seasonal workers.</p>
Background context	<p>In the agricultural sector the non-continuous nature of many jobs requires special forms of flexibility. In Finland there is often a shortage of seasonal workers in the agricultural sector, while at the same time small farms cannot afford to hire full-time workers.</p> <p>The Finnish Employment Contracts Act provides the legal basis for the model, making it possible for two or more farms to jointly hire a worker.</p>



	<p>The legislative framework has existed since the 1970s, however, the specific co-employment model has only developed over the last decade. While the model is legally possible, it is underutilised at present as a method to address undeclared work. It is potentially an effective and affordable way for fulfilling seasonal workforce needs while also ensuring workers are fully protected in a variety of employment situations.</p>
Key objectives of the measure	<p>General objectives</p> <ul style="list-style-type: none"> • This model provides potential for work in the agriculture sector to be organised in a way which enhances rural employment and rural economic development, and at the same time reduces the likelihood of undeclared work. <p>Specific objectives</p> <ul style="list-style-type: none"> • Fulfilling local seasonal employment needs; • Providing seasonal workers with full-time employment and a full-time salary (and full worker protection); • Providing flexibility for the employers (farms) to act together as one employer and conclude an agreement with each other with no restrictions.
Main activities	<p>The same worker can work for more than one employer within a single employment relationship.ⁱ In practice, there are different ways to organise co-employment, or what might be termed employers' 'ring' systemsⁱⁱ:</p> <ul style="list-style-type: none"> • 'One employer' model: two or more farms form an 'employer ring' with one employer acting as the main employer, overseeing all legal duties (withholding tax, social security fees and other social insurance fees). Both or all employers must take care of occupational health and safety aspects. Sharing employment costs between employers is contractually agreed by the employers themselves; • 'Two employers' model: two (or more) farms employ the same worker together and there is a common/joint employment contract where liability is shared. Each has their own employment contract with the worker, acting independently from each other in relation to the obligations they have towards the employee. While both (or all) pay wages and social security fees independently, the employers agree on arrangements for working time, annual leave, sick pay etc. during the employment; • 'Organised employer' model: the employers form an enterprise, company or cooperative. The new legal entity acts as the formal employer, overseeing all obligations and the employee works for the farms involved;



	<ul style="list-style-type: none"> The 'temporary agency-work' model: an employer farm can act as a temporary work agency and assign its worker(s) to work in another farm (the user company) temporarily, with the consent of the worker. The employer farm pays the worker's salary and takes care of all other employer obligations. The user company guides and instructs the worker, and monitors the employee's work. Labour laws and legal rules applying to temporary agency work are applied. <p>Joint Employment requires:</p> <ul style="list-style-type: none"> A specific work-contract for the employee, outlining the places where work is done and other normal conditions for employment (working time, tasks, salary etc.); An agreement between employers defining how the employee's working time and shifts are divided between farms, annual leave, bank holidays and sickness absence pay, as well as the employers' responsibility for health and safety at work.
Funding/organisational resources	<p>There is no national funding involved. The model is implemented by local farmers acting together. From an organisational perspective, coordination among employers is needed. Local farmers' associations, employment offices and employers' organisation can assist the employers in the implementation of this model.</p>

	<p>Outcomes</p> <p>While the model is currently underutilised, joint employment provides increased stability in labour supply for farmers and increased job stability for seasonal workers which reduces the incentive to participate in undeclared work.</p>
Achievement of objectives	<ul style="list-style-type: none"> Increased workforce stability for farmers; Increased job stability for seasonal workers; Joint responsibility for employment obligations among farmers (joint/shared/individual); Central Finland's project Tarkka in Konnevesi was developed to enhance the knowledge about this model. A manual including hiring options and instructions on what elements should be taken into account was released; The more recent project Kimppareki also produced a guide for farms on how to use this type of contract – Yhteisen työntekijän palkkaaminen.



Lessons learnt and success factors	<p>Success factors and lessons learnt include the following;</p> <ul style="list-style-type: none"> • The existence of a legislative framework as a legal basis for this model is an important success factor; • Coordination and cooperation between local agricultural employers is essential; • Sectoral organisation at local level is important; • Employee-sharing arrangements are suitable particularly in animal production for farmers to reduce their own workload (e.g. they have an employee coming to work every second week); • The Joint Employment model requires farmers to have an open-mindset and be willing to cooperate; • Employers' knowledge of this type of arrangement needs to be increased in order to be an effective tool to tackle undeclared work.
Transferability	<p>A legislative framework allowing this kind of arrangement is needed, as well as temporary agencies that can implement it. However, this has the potential to be reproduced in other sectors with temporary or seasonal workers, including the collaborative economy.</p>

Further information	
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Useful sources and resources	<ul style="list-style-type: none"> • Employment Contracts Act https://www.finlex.fi/en/laki/kaannokset/2001/en20010055.pdf; • GEOPA-COPA: Social dialogue as the most effective means of combating social dumping and undeclared work in the agriculture sector. The shift towards sustainable and high-quality jobs https://copa-cogeca.eu/img/user/files/COPA-GEOPA/FinalReport2016/EN_EA(16)10442.pdf; • Kimpparenki project website https://www.proagria.fi/hankkeet/kimpparenki-maailojen-yhteinen-tyontekija-hanke-6540.



ⁱ From a regulatory perspective, there are two parties to the employment relationship (employer and employee), although the contract can contain multiple employers who can use in agreement with each other and with no restrictions, the services of the same employee under a single employment relationship.

ⁱⁱ COPA-GEOPA, Final report, 2015 [https://copa-cogeca.eu/img/user/files/COPA-GEOPA/FinalReport2016/EN_EA\(16\)10442.pdf](https://copa-cogeca.eu/img/user/files/COPA-GEOPA/FinalReport2016/EN_EA(16)10442.pdf)