



European Platform  
tackling undeclared work

**Cooperation and information sharing between enforcement authorities  
tackling undeclared work in the air transport sector**

Finland

	<p><b>Summary</b></p> <p>Enforcement authorities have developed cooperation and information sharing on employment issues in the air transport sector (particularly concerning air crew). This provides guidelines and helps clarify which rules apply to better identify cases of undeclared work.</p>
<p><b>Name(s) of authorities/bodies/organisations involved</b></p>	<ul style="list-style-type: none"> <li>• Ministry of Social Affairs and Health (<i>Sosiaali- ja terveystieteiden ministeriö</i>);</li> <li>• Ministry of Economic Affairs and Employment (<i>Työ- ja elinkeinoministeriö</i>);</li> <li>• Enforcement authorities (<i>Työsuojeluhallinto</i>) - Occupational Safety and Health Administration representatives, labour inspectorates;</li> <li>• Experts from the Finnish Transport and Communications Agency (<i>Liikenteen turvallisuusvirasto</i>) (Traficom!).</li> </ul> <p>The following organisations were also consulted:</p> <ul style="list-style-type: none"> <li>• The Ministry of Justice (<i>Oikeusministeriö</i>);</li> <li>• Social partners in the air transport sector.</li> </ul>
<p><b>Sectors</b></p>	<p>Transport and storage</p>
<p><b>Target groups</b></p>	<p>The main target groups of the practice are:</p> <ul style="list-style-type: none"> <li>• Enforcement authorities (direct target groups);</li> <li>• Aircrew (indirect target group).</li> </ul>
<p><b>Purpose of measure</b></p>	<p>Deterrence: improve detection</p>

	<p><b>Aims and objectives</b></p> <p>Cooperation between the authorities aims to improve implementation of employment rules in the air transport sector and identify cases of misuse of rules and undeclared work. It does this through developing a common understanding on the application of rules to air transport sector workers and provides legal guidance to the enforcement authorities.</p>
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<b>Background context</b>	<p>Cooperation was initiated due to uncertainty of the enforcement authorities over which countries' rules apply to mobile workers in the air transport sector, whether the labour laws in Finland would be applicable to mobile workers and how the home base principle affects the assessment of the situation.</p> <p>The cross-border nature of the activities carried out in the air transport sector and a complex legal framework make it challenging for enforcement authorities to carry out their work alone. Cooperation among authorities is considered essential. In 2012, relevant ministries and enforcement authorities conducted a joint analysis on the application of labour law in the air transport sector, focusing on which law to apply and how to resolve conflict (Rome I regulation), posting rules, social security coordination rules and air transport rules (e.g. working time, home base requirements etc.). The objective was to create a range of scenarios, based on the background information provided by the labour inspectorates, and provide guidance accordingly.</p>
<b>Key objectives of the measure</b>	<p><b>General Objective:</b></p> <ul style="list-style-type: none"><li>• Clarify the position of air crew regarding their employment rights and the supervision of these rights.</li></ul> <p><b>Specific Objectives:</b></p> <ul style="list-style-type: none"><li>• Develop a common understanding among the different ministries and authorities involved in the cooperation;</li><li>• Prepare a specific report with legal guidelines for the labour inspectorates, based on different scenarios;</li><li>• Raise awareness about EU court cases dealing with the application of law to mobile workers in the air transport sector, especially the application of the Rome I regulation and guidance on determining the habitual place of work for mobile workers;</li><li>• Develop regular contacts between the authorities for the sector-specific questions.</li></ul>
<b>Main activities</b>	<p>The cooperation between the different authorities takes different forms:</p> <ul style="list-style-type: none"><li>• Enhanced collaboration between the authorities involved (via e-mails or through the organisation of meetings);</li><li>• Sharing of data and information between the authorities involve, for instance, Occupational Safety and Health Inspectors share information on infringements on work time, annual holidays,</li></ul>



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	employment contracts and working days in Finland with labour inspectors. On this basis investigations can start.
<b>Funding/organisational resources</b>	National funding <sup>ii</sup>

	<p><b>Outcomes</b></p> <p>The authorities involved in the cooperation reached a common understanding of the application of the employment rules in the air transport sector, based on case law, and provided clear legal guidance to the enforcement authorities.</p>
<b>Achievement of objectives</b>	<ul style="list-style-type: none"> <li>• The publication of the 2012 report on the legal rules related to the employment position of mobile workers in the air transport sector clarified the implementation of employment rules and contributed to a better supervision of the employment rights of air crew. Labour inspectors can use this joint guidance if needed.</li> <li>• Internal training material for Occupational Safety and Health authorities was developed on the basis of the 2012 publication.</li> <li>• Following up on the report, the Nordic Labour ministries have also shared their views on how to apply current labour laws on aircrew personnel.</li> <li>• The authorities involved in the cooperation reached a common understanding on the employment rules;</li> <li>• The Occupational Safety and Health authorities carried out 40 inspections between 2015 and 2019, including 6 on aircrew personnel.</li> <li>• The Occupational Safety and Health Administration received guidance in its supervisory work;</li> <li>• Collaboration between the different authorities in this specific field was enhanced through exchange of information which has led to increased trust among authorities.</li> <li>• Clauses on the use of external labour, affecting the work organisation of the work of the airlines, have been added to collective agreements. These may forbid the use of temporary agency workers.</li> </ul>
<b>Lessons learnt and success factors</b>	Success factors are:



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	<ul style="list-style-type: none"> <li>• It is important that authorities involved in the cooperation pursue an agreed common interest;</li> <li>• Data can be exchanged easily between different authorities in Finland, which has meant smooth transfer of information to support the cooperation activities;</li> <li>• It is important to consult authorities / organisations that are not directly involved in the cooperation, in order to check their interpretation of the legal situation and on the application of the rules in the air transport sector.</li> </ul> <p>The main lessons learnt are the following:</p> <ul style="list-style-type: none"> <li>• Correct application of employment rules in the air transport sector needs specific sectoral guidance to support proper enforcement and supervision;</li> </ul>
<b>Transferability</b>	<p>Cooperation on employment issues related to workers in the air transport sector is transferrable to other Member States. It will be easier if there is already some level of cooperation between ministries and the national authorities in sector specific issues.</p>

<b>Further information</b>	
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<b>Useful sources and resources</b>	<p><b>Ministry of Economic Affairs and Employment</b> <a href="http://www.tem.fi/en">www.tem.fi/en</a> <a href="https://tem.fi/en/working-life">https://tem.fi/en/working-life</a></p> <p><b>Ministry of Social Affairs and Health</b> <a href="http://www.stm.fi/en">www.stm.fi/en</a></p> <p><b>Occupational Safety and Health Administration</b> <a href="https://www.tyosuojelu.fi/web/en/home">https://www.tyosuojelu.fi/web/en/home</a></p>



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	<p><b>Ministry of Transport and Communications</b> <a href="https://www.lvm.fi/en/home">https://www.lvm.fi/en/home</a></p> <p><b>Tax Administration</b> <a href="http://www.vero.fi/en">www.vero.fi/en</a></p>
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<sup>i</sup> Traficom is an authority serving people and businesses in licence, registration and approval matters related to transport and communications under the Ministry of Transport and Communications. ([www.traficom.fi/en](http://www.traficom.fi/en))

<sup>ii</sup> The cooperation was part of the regular work. No specific budget was allocated for it.