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Changes to Finnish Employment Law Legislation

The Finnish Working Hours Act is expected to be reformed

The Government published its proposal HE 158/2018 on 27 September 2018 for amendments to the Finnish Working Hours Act. The new act would safeguard employees' working time protection, while allowing the employer and the employees to easier agree on flexible arrangements. The new act would bring changes, among other things, to the following aspects.

1) Flexible working hour arrangements

Flexible working hours would apply on employees, whose work is not bound by place and time, such as experts and consultants. Work would qualify as such work if at least half of the working time is such that the employee may decide on when and where it is performed. The employee could then arrange the work as he/she best sees fit. The average regular working hours could be a maximum of 40 hours per week over a four month period. The idea would hence not be to increase the work load, but instead make it easier to agree on alternative arrangements.

2) Working hour bank

The employer and the employees could agree on having a working hour bank, irrespective of whether the applicable collective agreement contains such provisions. The maximum amount of hours in the bank would be 180 hours per calendar year.

3) Flextime limits would change

The daily flextime limit would increase from three to four hours. In the future, an employee could further have a maximum of 60 plus hours saved, whereas the amount may not fall below 20 minus hours.

4) Clarifications to the scope of the act

The new act would apply to all employees in contractual or public-service relationships who need working time protection. It would exclude employees, who have full autonomy over their working hours and, therefore, can take care of their own working time protection.

The new law is intended to bring Finland fully into compliance with the EU's Working Time Directive (2003/88/EC), but is not expected to enter into force until 1 January 2020.

The Trade Secrets Act has entered into force

The new Trade Secrets Act, implementing the EU Directive on the protection of trade secrets, entered into force on 15 August 2018. The new Act replaces some provisions of the Unfair Business Practices Act on the unlawful use of trade secrets and technical specifications, as well as generally harmonising the concepts and terminology related to trade secrets, so that the concept of 'trade secrets' is consistently used in the national legislation from now on. The Act contains a clear definition of a trade secret and lays down provisions on the unlawful acquisition, use and disclosure of trade secrets.

The Act also defines the means for lawful acquisition of trade secrets and sets forth provisions on the preconditions for reporting misconduct and illegal activity and for the exercise of the right to freedom of expression regardless of the protection of trade secrets.

Under the new Act, trade secret holders will have access to more precisely defined and more extensive remedies in infringement cases than currently. A court may impose injunctions and corrective measures on the infringer or order him or her to pay remuneration for use. A court may also order the infringer to pay compensation and damages to the trade secret holder. The district courts and the Market Court will have parallel jurisdiction in disputes concerning infringements of trade secrets.