

Finland

Algorithmic management

Phase	The Employment Contracts Act (55/2001), Act on the Protection of Privacy in Working Life (759/2004), Occupational Safety and Health Act (738/2002), Co-operation Act (1333/2021)
Native name	Työsopimuslaki (55/2001), Laki yksityisyyden suojasta työelämässä (759/2004), Työturvallisuuslaki (738/2002), Yhteistoimintalaki (1333/2021)
Type	Algorithmic management
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Article

1333/2021: articles 1, 8, 12, 16 55/2001: Ch. 2, articles 1, 3, 4 759/2004: articles 3, 4, 16, 17, 21 738/2002: articles 8-9

Description

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Labour law in Finland has no mention specifically of 'algorithmic management'. However, personal data processing, surveillance, and employee influence over employer's decisions affecting the workplace, whether or not by automated means, are subject to regulation.

According to the Employment Contracts Act (55/2001) an employer must ensure, that an employee can do their job even when changes to work methods are made. The Act does not specifically regulate management related methods or forms.

The general obligations of an employer are to ensure a safe and healthy work and work environment for their employees, as stipulated in the Occupational Safety and Health Act (738/2002). An employer thus needs to consider all aspects related to the employees' work, working conditions, and work environment. The employer also must plan, select, scale, and implement necessary measures to improve working conditions. For this objective, the

employer needs to have an Occupational safety and health action programme which also covers any factors affecting the work environment and working capacity of workers. The programme is subject to discussions with employees or employee representatives and need to be considered during workplace development and planning.

Collection and processing of personal data

The processing of employees' personal data is mainly regulated through the Finnish Act on the Protection of Privacy in Working Life (759/2004). Personal data may only be processed if it is directly necessary for the exercising of rights and obligations of the employment relationship, or if the specific nature of an employee's job tasks require it. In the Act, technical surveillance includes for instance camera surveillance, access control, and tracking of the employee's location. E-mail and internet traffic surveillance is also allowed, under certain prerequisites. Monitoring of these needs to be necessary for the employment relationship.

According to the Act, employers may operate camera surveillance at workplaces for employee and property security and protection reasons, or for supervising the proper operation of production processes. The data collected through surveillance must also be necessary for the employment relationship.

The so called 'right to manage' gives the employer the right to decide who does what, where, when and how, during work hours. The right is however limited by employment agreements, collective agreements, and other labour legislation. According to the Occupational Safety and Health Act (738/2002), employers must constantly monitor the working environment, the state of the work community and the safety of working practices.

Employee influence

The aim of the Co-operation Act (1333/2021) is to promote interaction and cooperation between the employer and its employees. The aim is also to develop, among other things, employees' possibilities to influence decision-making in the company that concerns their work, working conditions, and their position in the company. According to the Act, an employer should inform its employees of the state of the company and its plans through an adequate and timely flow of information.

Regular dialogue between the employer and employee representative should be organised around questions of workplace related rules, practices, and policies, as well as on how the workforce is used.

According to the Act, cooperation negotiations between the employer and employee representative need to be held in the case an employer is planning on introducing new technology, or changing the organisation or arrangements of work, which in turn would have a significant effect on the duties, working methods, or organisation of work of one or more employees.

The collection of personal data during recruitment and employment is also subject to regulation under the Co-operation Act (1333/2021), according to which it needs to be included in workplace dialogue. This includes the purpose and methods of surveillance by technical means of employees, the use data networks and the processing of employees' e-mail and other electronic communications.

Employers of entities not covered by co-operations also need to give employees the opportunity to be heard on technical surveillance related matters, before any decisions are taken by the employer. Any introduction and implementation of control methods need to be informed about and agreed upon.

Commentary

Compliance with the law on Occupational Safety and Health Act is monitored by labour protection authorities, which is the relevant region's Regional State Administrative Agency.

Compliance with the Act on the Protection of Privacy in Working Life is supervised by the occupational safety and health authorities in accordance with their competence, together with the Data Protection Ombudsman.

Occupational health and safety authorities monitor compliance with The Employment Contracts Act. In their supervisory role and when monitoring the observance of general binding collective agreements, the labour protection authorities must work in close cooperation with the employers' and employees' organisations whose provisions of the general binding collective agreements entered into by the employers must be complied with according to Chapter 2, Section 7.

The Cooperation Ombudsman and the employers' and employees' associations whose national collective agreements apply at the employer, supervise the compliance with the Co-operation Act.

Additional metadata

Cost covered by None

Involved actors other than national government	Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- [Algoritminen syrjintä ja yhdenvertaisuuden edistäminen: Arviointikehikko syrjimättömälle tekoälylle. Atte Ojanen, Otto Sahlgren, Juho Vaiste, Anna Björk, Johannes Mikkonen, Kai Kimppa, Arto Laitinen, Nea Oljakka](#)~~~ [Työsopimuslaki \(55/2001\)](#)~~~ [Employment Contracts Act \(55/2001\)](#)~~~ [Laki yksityisyyden suojasta työelämässä \(759/2004\)](#)~~~ [Act on the Protection of Privacy in Working Life \(759/2004\)](#)~~~ [Yhteistoimintalaki \(1333/2021\)](#)~~~ [Co-operation Act \(1333/2021\)](#)~~~ [Occupational Safety and Health Act \(738/2002\)](#)~~~ [Työturvallisuuslaki \(738/2002\)](#)~~~ [Website of the Occupational Safety and Health Administration in Finland](#)~~~

Citation

Eurofound (2023), Finland: Algorithmic management, Restructuring legislation database, Dublin