

Personal assistance guide for employers

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Western Uusimaa Wellbeing Services County, Disability Services

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Start of employment

- employment contract
- power of attorney to the municipality for the purpose of discharging the employer's obligations
- notification of employee's experience allowance
- assistant's tax card

For occupational health care:

- contact form for the conclusion of the contract
- employee personal data form
- when the occupational health contract arrives, sign it and return it to occupational health care

During the employment

- time sheets for monitoring worktime
- notifications of holidays, layoffs and other absences
- if the decision on personal assistance changes during the employment, check that the employment contract reflects the new decision

End of employment

- notice of termination: we recommend that you talk to a social counsellor before dismissing your assistant
- notice of absence: last day of employment or holidays if taken before the end of employment
- working hours sheet: the employee's salary is due on the next pay day
- certificate of employment for an employee

1 Introduction

Personal assistance is a tailored service for people with disabilities, designed to enable them to live independently and participate fully in society. In practice, personal assistance means that a person with a disability is assigned a personal assistant to help them carry out everyday activities. The assistant enables the person with a disability to make independent choices and participate in leisure, hobbies, studies, work or social activities. The personal assistant acts according to the will and instructions of the person with a disability.

This guide is aimed at people with disabilities who are employers. The guide provides guidance on key issues relating to the employment relationship and the duties of an employer. The guide also describes the general principles of reimbursement of the costs of hiring an assistant in the Western Uusimaa Wellbeing Services County. Personal assistance is free of charge to the client. Disability Services advise the employer on matters relating to employment. The employer, i.e. the person with a disability, is responsible for the management and supervision of the assistant.

The assessment of personal assistance needs is carried out together with a social worker or social counsellor. The assessment is carried out during a service needs assessment or an application for personal assistance. At the same time, the appropriate way to organise personal assistance is assessed.

Personal assistance is regulated by the Disability Services Act. According to the law, personal assistance can be organised in different ways.

In the wellbeing services county, there are three ways to organise personal assistance:

- an employer model where the person with a disability is the employer of the assistant
- a service voucher, where the person with a disability chooses and orders the assistance they need from a list of providers approved by the city
- a purchased service, where the city chooses the service provider and orders personal assistance for the person with a disability.

For the purposes of this guide, an employee is a personal assistant who is employed by a person with a disability.

For the purposes of this guide, an employer is a person with a disability or someone authorised by them who hires an employee to provide personal assistance according to a service decision by the well-being services county.

If you are a full member of Heta – the Union of the Employers of Personal Assistants in Finland – you are bound not only by the provisions of general labour law, but also by the collective agreement between Heta and the Trade Union for the Public and Welfare Sectors (JHL) and its terms and conditions. The wellbeing services county will reimburse the costs of assistants of employers belonging to Heta in accordance with the collective agreement between Heta and JHL.

2 Recruiting an employee

When you apply for a personal assistant, you assess your daily or weekly assistance needs together with a social worker or social counsellor. The assessment is the basis for defining your assistant's tasks, planning your worktime and the qualities you require from your assistant. You can hire more than one assistant, if necessary, within the limits of the number of hours specified in your service decision. Remember, however, that, if you have part-time employees, you should offer them extra work before hiring a new assistant.

Your personal assistance service decision will tell you how many hours of personal assistance you have been granted and how much the wellbeing services county will reimburse your assistant's salary costs. The job of an assistant is to help you with activities of daily living where you may need help from another person.

The role of an assistant is to help you with the activities and tasks that you would do yourself if you were not prevented from doing them by a disability or illness. These can be things related to everyday life at home or outside the home. The work is carried out according to your instructions and under your supervision.

As the employer, you recruit, interview candidates and make the selection of the employee. Before writing your application, think about and write down what kind of help you need from your assistant, where and when they will do their job and what kind of employee would be the best person to do it.

According to the Disability Services Act, a relative or other close person (e.g. spouse, common-law partner, child, parent, grandparent, grandchild, sibling) of a person with a disability cannot act as a personal assistant unless there is a particularly weighty reason to consider it to be in the interest of the person with a disability. The fact that a relative is your assistant must be mentioned in your service decision.

You can publish a job advertisement on the TE services website [Työmarkkinatori \(tyomarkkinatori.fi\)](https://tyomarkkinatori.fi)

You will be advised on recruiting an assistant, drafting the application form and defining the job description by the social counsellor of the personal assistance service for people with disabilities in the wellbeing services county.

2.1 An assistant working with children

As an employer, you must ask to see your employee's criminal background report if the assistant's job involves working with children (under 18) on a permanent and substantial basis in situations where the child's guardian is not present. The criminal background report must be less than six months old. The employer must ask to see the criminal background report, but it must not be filed or sent to Disability Services.

The employee orders a criminal background report on the website of the Legal Register Centre www.oikeusrekisterikeskus.fi

3 Employment contract

A personal assistant is always employed. The employment is based on an employment contract between the employee and the employer, preferably in writing. The job description and content of the assistant's work are agreed on in the employment contract. An employment contract is a commitment to work under agreed conditions.

As an employer, you can decide on the following:

- What the employee, i.e. your assistant, will do (job content).
- How the employee, i.e. your assistant, will perform their work (how the job will be done).
- When the work will be done (shifts)
- Where the work will be done (place of work)

As an employer, you sign an employment contract with all your employees, including temporary and substitute workers. As a rule, an employment contract is made in writing and signed in duplicate. One copy remains with the employer and the other is given to the employee. Please note that you should only sign an employment contract once you have received the decision on assistance.

You can use the form available from the well-being services county's Disability Services to draw up an employment contract. If a person other than a person with a disability signs the employment contract, that person must have appropriate authority (guardianship, custody) to act on behalf of the person with the disability. The supervisor is always the person with a disability.

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If the employment contract is signed by a person other than a person with a disability, the name of the person to be assisted must be written in the employment contract in addition to the name of the employer and the employee.

It is a good idea to include in your employment contract:

- the employer's name (person with a disability) and email address¹
- the employee's name (name of the assistant), personal identity code and email address
- possible trial period ²
- whether the employment contract is for an indefinite period or fixed-term³
- date of commencement of work (date)
- main duties⁴
- the place of work⁵
- wages⁶ (hourly rate), pay period and payment date
- Working hours
- period of notice⁷
- confidentiality⁸

When a guardian of a child with a disability signs an employment contract, the guardian must try to act in the best interests of the child. Taking the best interests of the child into account means, among other things, that personal assistance must contribute to ensuring the child's independence and responsibility and to promoting the child's balanced development and well-being. The child should have the opportunity to

¹ Or a trustee or guardian.

² The maximum trial period is six months. During the trial period, both the employer and the assistant can terminate the employment contract without notice. In the case of fixed term contracts, the trial period may not exceed half the duration of the employment.

³ As a rule, the contract is concluded for an indefinite period. A fixed-term contract must state the duration of the work and the reason for it being fixed-term. A fixed-term contract can only be concluded on certain legal grounds (e.g. substitution or temporary need for assistance).

⁴ The employment contract must include the main duties and the general phrase "other duties as assigned by the employer"

⁵ If the work is done both at your home and outside it, your address is usually enough.. If, on the other hand, the work is done only at your place of work for example, then your place of work is the address. If the work involves long periods of travel, it is a good idea to mention this in the contract.

⁶ The amount of wages reimbursed by the wellbeing services county is set out in the appendix to the personal assistant service decision.

⁷ In principle, only for contracts of indefinite duration.

⁸ The employer may require the employee to maintain complete confidentiality in matters concerning the employer and their family. This must be agreed separately. It is also a good idea to agree that the confidentiality obligation will extend beyond the end of the employment.

participate in and influence defining the assistant's job description and how they will work. The child must be given information about the personal assistance service in a way that is appropriate to their age and developmental level.

When drafting your employment contract, remember to:

- Ask for the employee's tax card. Submit it to the Disability Services office secretary.
- Check whether your employee is entitled to an experience allowance and, if so, send an experience allowance form to Disability Services. File copies of the work experience on which the experience allowance is based.
- Provide Disability Services with the employee's basic information (name, address, bank account number, social security number). You can provide this information, for example by sending a copy of the employment contract.

4 Employer's responsibilities and obligations

As the employer and supervisor, you must take care of the following tasks:

- Tell the employee what they need to do and how you want them to assist you.
- If you are a member of Heta, you must comply with labour law and the employment contract and collective agreement you have drawn up.
- Take care of paying your employee's wages, statutory insurance and occupational health care. If you submit a power of attorney, the wellbeing services county will take care of this for you. Read more about power of attorney on pages 8–9..
- Plan your employee's working hours at least seven days in advance and monitor compliance with them.
- Instruct the employee on safe working practices and inform them about occupational safety and workplace regulations.

As an employer, you must comply with the following rules:

- You must not give orders to an employee that are against the law or good practice.
- You must take into account the employee's physical and professional abilities to perform the tasks you have assigned to them.
- You may only order an employee to work during their specified worktime. You may not interfere in an employee's free time.
- You may not derogate from the rights given by law or any collective agreement, except in a way that is more favourable to the employee. Consider, however, what the city will reimburse.

- You must not violate an employee's privacy. It is a good idea to agree on confidentiality for both the employee and the employer.
- Keep employment-related documents, for example in a locked cabinet where others cannot access them.

4.1 Power of attorney for the wellbeing services county

The wellbeing services county can take care of paying your employee's wages, statutory accident insurance and occupational health care on your behalf. For this you need a power of attorney. There is a separate form for the power of attorney, which you can get from Disability Services.

Although the wellbeing services county is responsible for the payment of wages on the basis of the time sheets, please note that it is not a party to the employment relationship, which is between the employer and the assistant.

If you do not return the power of attorney, you must take care of all your employer's obligations yourself. In that case, the wellbeing services county will reimburse you for the necessary costs of the assistance upon receipt of a payslip and receipt. As you have the option of transferring the payment of wages to the city, Disability Services neither provides guidance and advice on the payment of wages nor reimburses the costs of an accountant, for example.

If you so wish, you can also delegate, for example, the drawing up of shifts to another person. If you delegate your responsibilities as an employer to another person, you must notify Disability Services. However, your responsibility as an employer does not pass to the person who carries out the tasks; as an employer, you are still responsible for ensuring that these tasks are carried out.

5 Employee's responsibilities

It is the employee's responsibility to carry out the tasks specified in the contract in accordance with the employer's instructions. The employee's main duties are to carry out the tasks that you give them carefully and to comply with working hours, occupational safety regulations, the law and the employment contract.

If the employee is unhappy with their job or working conditions, they should discuss this with their employer. A good skill in working life is for the employee to respect the privacy of their employer and not to talk inappropriately about their employer to other people. Confidentiality can be agreed on in the employment contract.

It is the employee's responsibility to take care of their own work and not to interfere with the work of other employees. An employee must observe good manners and decorum in the performance of their duties.

6 Worktime and related compensation

The employee's shift plan is based, in principle, on the needs of the person with a disability as the employer. The employer's personal assistance service decision records the number of hours granted and the possibility of working evenings, Saturdays, Sundays, nights or public holidays.

The employer decides when, where and at what time of the day or week they need assistance. However, worktime legislation sets out the working hours that can be worked by an employee. According to the Working Time Act, an employee's regular working hours are a maximum of 8 hours a day and 40 hours a week.

The law requires employees to be given at least 11 hours of uninterrupted rest within 24 hours of the start of each shift.

Assistance outside weekdays during the day is based on a service decision and a client plan.

6.1 Evening and night work

Work done on weekdays (Monday to Friday) between 18:00 and 23:00 is paid at the basic hourly rate plus 15% for the hours worked.

Work at night, i.e. between 23:00 and 06:00, is paid at the basic hourly rate plus 30%. Night work must comply with Section 8 of the Working Time Act (872/2019).

Please note that the night work allowance is only paid if the compensation for night work is specifically mentioned in the personal assistance service decision.

6.2 Saturday and Sunday work

Work on Saturday between 6:00 and 23:00, is paid at the basic hourly rate plus 20%.

According to the Working Time Act, Sunday work means work on Sundays and public holidays. The public holidays to which the guidelines for Sunday work apply are New Year's Day, Epiphany, Good Friday, Easter Monday, Ascension Day, Midsummer Day, Christmas Day and Boxing Day. In this case, the basic hourly rate of pay is increased by 100% for the hours worked.

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6.3 Midweek holiday allowance

The midweek holiday allowance is paid for Good Friday, Easter Monday, Midsummer's Eve, New Year's Day, May Day, Independence Day, Christmas Eve, Christmas Day and Boxing Day. Midweek holiday allowance is paid if the employee's employment has lasted at least two weeks.

If it has not been possible to give the employee the above days off, the hours worked on a midweek holiday are paid in addition to the normal hourly rate of pay at an hourly rate increased by 100%, including compensation for the loss of the public holiday and Sunday working allowance.

6.4 Additional work and overtime

If the worktime agreed in an employment contract or otherwise is exceeded, this is considered additional work. Additional work is paid at a simple hourly rate per hour worked.

If the regular worktime is exceeded, this is overtime.

7 Employee pay and payment of wages

The wellbeing services county will reimburse wage costs in accordance with your personal assistance service decision. The decision indicates the total number of hours of assistance granted, based on an individual needs assessment. The allowance will be paid from the date the employee starts working for you.

As an employer, you have the option of paying your employee a higher salary than what the wellbeing services county reimburses. If you pay more than the amount entered in your service decision, please note that the wellbeing services county will only reimburse the amount of wages declared by the wellbeing services county (against a pay slip and receipts). You are also responsible for incidental expenses, etc.⁹ to the extent that they exceed what is reimbursed by the wellbeing services county.

You are responsible for ensuring that the hours declared comply with the law and any collective agreement.

⁹ These include social security contributions, occupational pension insurance contributions, employers' unemployment insurance contributions, statutory accident insurance contributions and compulsory occupational health care contributions.

7.1 Payment of wages and tax card

An employee's wages are paid on an hourly basis, according to the information provided by the employer, twice a month. It is important that you provide Disability Services in good time with a time sheet showing the hours worked, or enter the hours worked by the employee into the Oima system in good time. The assistant's wages are paid on the basis of the time sheet.

The wages are taxable income for the employee. The tax card is sent to the Disability Services office secretary of the wellbeing services county. Write the name of the employer on the tax card. The wages paid are reported to the Incomes Register.

7.2 Monitoring worktime

You need to monitor the working hours and worktime completed by the employee.

If your employees wages are paid by the well-being services county, submit a time sheet to Disability Services.

Send the information to:

Western Uusimaa Wellbeing Services County/Disability Services
Kamreerintie 2 A
02770 Espoo

You can also send the time sheet by email to (toimistosihiteerit.vammaispalvelut@luvn.fi) or bring it directly to the Disability Services office (during office hours).

You can also submit the information via your municipality's service point/contact point in an envelope with the address of Disability Services in your wellbeing services county (free of charge).

7.3 Experience bonus

The wellbeing services county reimburses the employer for the employee's experience bonus as wage costs. Work as a personal assistant or in a comparable post for a total of at least 35 hours or 14 working days in one or more employment relationships counts as qualifying work. At the start of employment, the employee is obliged to prove, by means of certificates of employment or other written documents (e.g. a wage slip), that they have experience that can be taken into account in other employment relationships.

Your employee can ask for a certificate of employment. Employment certificates should show the starting dates and duration of employment relationships and preferably as much detail as possible about the amount of work done.

Check the employee's original employment records to see how long they have been working. The hourly rate is increased by an experience bonus, so that after the first (1 year), third (3 years) and fifth (5 years) full year of service, the rate at that time is increased by 1%. Please indicate the percentage of the experience bonus for disability services on the experience bonus application form. The work certificates of an assistant should not be submitted to Disability Services.

8 Statutory insurance and fees

In addition to the wage costs of hiring the employee, the wellbeing services county reimburses the employer for any statutory contributions and allowances payable.

Employee's occupational pension contribution

Employees are insured under the Employees' Pensions Act. The wellbeing services county pays the assistant's pension contribution directly to the pension insurance company on behalf of the employer.

Statutory unemployment insurance contribution

The wellbeing services county pays the employee's unemployment insurance contribution to the Unemployment Insurance Fund on your behalf.

8.1 Occupational accident insurance

Occupational accident insurance is a statutory insurance that covers employees against accidents or occupational diseases that occur during the course of their work. Occupational accident insurance must be valid from the start of employment. The wellbeing services county will take care of the occupational accident insurance on your behalf if you have given it power of attorney to do so.

Occupational accident insurance is employer-specific. You do not have to terminate or change your policy if you change your employee. When your personal assistance under the employer model ends, the wellbeing services county will take care of the insurance for you, provided you have given it power of attorney to do so. If you are responsible for insurance yourself, make sure you have written contracts with the insurance companies.

Occupational accident insurance covers, for example:

- An accident occurring at work or in work-related circumstances at the workplace, on the premises of the workplace, on the way from home to work or vice versa, or while the employee is on employer's business.

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- An injury that occurs during a short period of up to one day and is not compensated as an occupational ailment (for example, a muscle or tendon injury resulting from a movement made as a result of work) is compensated as an occupational accident.

Accident means a sudden, unforeseeable event caused by an external factor, which occurs independently of the will of the insured person and causes injury or illness.

For more information on accident insurance and compensable accidents, contact the Finnish Workers' Compensation Center (TVK) www.tvk.fi.

9 Occupational health care

According to the Occupational Health Care Act (1383/2001), employers must provide their employees with statutory preventive occupational health care. Sudden illness and medical treatment are not covered by statutory occupational health care.

As part of statutory occupational health care:

- Refer your new employee to an employment screening at the start of their employment.
- Tell the employee about any health hazards associated with the assistant's work, and provide guidance on how the assistant can avoid the hazards (e.g. aids and ergonomic working practices).
- If your employee has a disability, injury or illness that affects their ability to do their job, you should monitor how they are managing in their work.
- Instruct your employees in the steps they should take to get first aid in the event of an accident or illness.
- Make sure that there is a sufficient number of appropriate first aid supplies available at the place where they are working.

In order to provide statutory occupational health care for assistants, the wellbeing services county submits a payment commitment to the occupational health care provider. You will receive more information attached to your decision about occupational health care services available to your assistant.

A pre-employment health examination is a health checkup to see if the employee is fit to work as your assistant. As part of the health checkup, the wellbeing services county will, in principle, reimburse for the following examinations and procedures:

Pre-employment health examination

- A basic health check of the employee (e.g. height, weight, blood pressure, eyesight)

- blood tests
- a booster for the tetanus-d vaccine, if necessary
- guidance and advice (e.g. occupational health instructions, occupational accident instructions)

in addition, occupational health care will carry out a workplace survey. The assistant can also tell you about their job and working conditions during the pre-employment health examination. If necessary, occupational health care can visit the workplace to make sure that it is suitable for the job and that the risks of the job have been assessed.

The employee must present you with a certificate from occupational health care stating that they are able to work as your assistant.

If you are responsible for paying your assistant's wages, you may also arrange occupational health care for them with a company of your choice. In this case, you pay for the service yourself first and then apply for Kela reimbursement. You can then claim compensation for the remaining part from Disability Services.

10 Occupational health and safety

As an employer, you are responsible for health and safety at work. Under the Occupational Safety and Health Act, you have a duty to ensure the safety and health of your employees at work. You must take into account the work, working conditions and other aspects of the working environment, as well as the personal circumstances of the employee. As an employer, you must familiarise your employees with the workplace and the correct working methods and safety rules.

For more information on occupational safety and health, see, for example, the Occupational Safety and Health Administration's online service at www.tyosuojelu.fi.

As part of occupational safety and health:

- Eliminate hazards and risk factors (e.g. difficult working positions, strain injuries) found in the assistant's work or working environment. For example, instruct your assistant to use a lifting device whenever possible.
- Try to reduce the risks before you start work (e.g. make sure you have suitable equipment).
- Instruct the employee to pay attention to hazard identification and procedures to prevent hazards. If an employee identifies a hazard or risk factor in their working conditions, they should report it to

you. Emphasise safe working practices to the employee and provide information on ergonomically correct working methods, movements and postures.

- If the person being assisted is suffering from a contagious disease, you as the employer are obliged to instruct the assistant in how to protect themselves from infection and to provide the necessary equipment, such as protective gloves, for the assistant's use.

11 Sickness and accidents suffered by the employee

The employee must immediately inform the employer if they are unable to work due to illness. It is a good idea to agree that the employee will provide a doctor's or nurse's certificate of illness from the first day of sickness. The certificate must not be sent to Disability Services. We recommend that the employer keep the certificate for two years.

Please report the employee's sick leave on the absence form to the well-being services county's Disability Services office secretary to have the sick leave taken into account for payroll purposes. Send the absence form with the time sheet.

If the employment has lasted at least one month, the employee is entitled to full pay for the period of sick leave for the day of sickness and the following nine working days (1+9). Saturday also counts as a working day. If the period of sickness continues beyond this period, the employee must apply for daily allowance from the Social Insurance Institution of Finland (Kela). For employment of less than one month, the employee is entitled to 50% of their wages.

The employee is paid sick leave on the basis of a prearranged shift plan. The working hours and times (start and end times) scheduled for the employee's sick days must be entered in the time sheet.

Working hours on sick days of a permanent assistant do not count against hours of assistance allocated to you, even if you enter them in the time sheet. During the period of sick leave, the costs of hiring a replacement will be reimbursed.

If your employee has an accident at work, proceed as follows:

- Your employee should immediately inform you as the employer.
- Give the employee a certificate of insurance or an insurance number to take to the place where they will be treated for the accident. With an insurance certificate, an employee can get free treatment for their injury, for example at a health centre.
- Report the accident to your insurance company using the accident report form. You can print the form online at www.tvk.fi.

Accidents at work are accidents that occur during work or in circumstances arising from work. An accident at work is an accident that occurs in the area of your workplace, on the way from home to work and vice versa, or during a journey to work or on business ordered by the employer.

Serious accidents must always be reported to Disability Services and the police. A serious accident is one that causes serious injury or death. An injury is serious when it is likely to be permanent and interfere with normal life

11.1 Sudden crisis situations

If your assistant fails to show up for work without informing you and the assistant is indispensable to you, proceed as follows:

- during office hours, please contact Disability Services
- outside office hours, contact Western Uusimaa Social and Crisis Emergency Services.

12 Substitutes

If you need a substitute urgently (e.g. on the same day), substitute arrangements can be made through a personal assistance service voucher or through a purchased service or home care visits. If your service decision does not include a substitute arrangement, contact Disability Services to arrange this.

If you need a long-term replacement, you must find one yourself and sign a fixed-term contract with them for the duration of the permanent assistant's sick leave, annual leave, family leave or other absence. The wellbeing services county will cover the costs of hiring a replacement.

13 Family leave

Family leave means maternity, paternity or parental leave. The employer is not obliged to pay the employee for the period of family leave. The wellbeing services county will not reimburse the assistant's wages for this period.

The employee can apply to Kela for daily allowance for the period of family leave.

Notify the wellbeing services county's Disability Services about the employee's absence on the employee absence form.

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14 Other reasonable and necessary expenses incurred by the assistant

You may also be reimbursed for any other reasonable expenses incurred by you and your employee that are necessary to make the assistance possible. Necessary costs are those without which the assistance could not have been undertaken or continued.

The wellbeing services county will reimburse these costs on the basis of a separate application. Disability Services will make a separate decision on the matter.

14.1 Travel expenses

The wellbeing services county reimburses the employee's necessary travel expenses for working away from the employee's usual place of work. The assistant's travel expenses to the place of work are not reimbursed. For example, an assistant's travel expenses and meal allowance are reimbursed when travelling with the employer. The employer's travel expenses are not reimbursed.

14.2 Meal allowance

An employee is entitled to a meal allowance when travelling outside their usual place of work and the employee has no opportunity to prepare their own food or no other meal arrangements have been made. Depending on the duration of the trip, the employee is entitled to one or two meal allowances per day of travel. Use the Personal Assistant Meal Allowance form to apply the reimbursement.

14.3 Travel abroad

To use personal assistance abroad, it is important to apply for a service decision from Disability Services well in advance of the planned date of travel. If personal assistance for travel is granted, the reasonable payroll costs and other reasonable expenses of the personal assistant will be reimbursed in accordance with the decision. If an employer with a disability needs additional hours of personal assistance during the trip, these must be requested at the same time.

15 Annual holidays

The employee accrues annual holiday during their period of employment on the basis of the provisions of the Annual Holidays Act (162/2005). As an employer, it is your responsibility to ensure that your employee has the opportunity to take annual holiday.

The holiday credit year starts at the beginning of April (1 April) and ends at the end of March (31 March). The holiday period runs from 2 May to 30 September. An employee is entitled to 2 working days of annual leave

for each full month of holiday credit if the employment has lasted continuously for less than one year by the end of the leave year and 2½ working days if the employment relationship has lasted for more than one year. The Annual Holidays Act (162/2005) contains a list of days that are counted as working days for the purposes of calculating annual holidays.

The employer has the right to decide when the employee takes their annual leave. However, at least 24 working days must be granted in the holiday period (May to September) if at least this amount of leave has been accumulated. The remainder of the leave must be taken by 1 May the following year. If this is not possible, you should contact Disability Services. In principle, annual holiday is not paid in cash but must be taken as leave.

The employer must determine the date of the assistant's holiday in good time, in accordance with the Annual Holidays Act. The employer must ensure that substitute arrangements are in place before granting leave. During the period of annual holiday, the costs of hiring a replacement will be reimbursed by the wellbeing services county. A temporary contract is concluded for the same period as the leave of the permanent employee.

Notify Disability Services of the employee's annual holiday on the employee's absence form well in advance, at least one month prior to the planned date of the holiday. During the annual holiday period, the employee's working hours are not recorded on the time sheet.

You can see the number of days of annual holiday in Oima.

At the end of the employment, the wellbeing services county will pay holiday pay for holidays not taken.

15.1 Annual holiday pay

Annual holiday pay is paid to the employee before the start of the holiday for assistants entitled to it. If the holiday is divided into parts, the corresponding part of the annual holiday pay is paid before the start of each part of the holiday. For a period of holiday of no more than six days, holiday pay is paid on the pay day normally observed in the employment relationship. The wellbeing services county does not reimburse holiday pay for personal assistants.

Notify the Disability Services office secretary in writing one month before the employee's scheduled annual holiday.

15.2 Entitlement to leave and holiday compensation

An hourly employee who does not accrue annual holiday is entitled to two working days' leave per calendar month during which they have

been employed, if they so wish. The employee is not obliged to use this entitlement to leave.

An hourly employee who does not accrue annual holiday is paid holiday compensation. Depending on the length of service, the holiday compensation is 9% (for employment of less than one year) or 11.5% (for employment of more than one year). The holiday compensation is paid in May. For a period of holiday at no more than six days, holiday compensation is paid on the pay day normally observed in the employment relationship.

16 Layoffs and other sudden interruptions in work

Layoff (Employment Contracts Act 55/2001) refers to the temporary suspension of work and payment of wages based on a decision by the employer, or an agreement made on the employer's initiative, while the employment relationship remains in force. The assistant is not paid for the period of layoff. During the period of layoff, the employee is entitled to take up other work and to claim unemployment benefit.

As a general rule, only an employee with an employment contract of indefinite duration can be laid off. A fixed-term employee can only be laid off in situations where the employee is working as a substitute for a permanent employee and the employer would be entitled to lay off the permanent employee if they were working.

Notice of layoff

When the need for layoff is known in advance (e.g. for a period of rehabilitation), the employee must be given written notice of the layoff at least 14 days before its start. The employee must be consulted before a notice of layoff is issued.

If work is suddenly prevented for reasons for which the employer is responsible, for example because the employer has been hospitalised, the employee must be given notice of the lay-off immediately. As a rule, the obligation to pay wages continues for up to 14 days after the notice of layoff. During this time, the reason for the interruption and the estimated time of the interruption must be explained to the employee.

If an employee is prevented from working because of a fire, an exceptional natural event or similar cause beyond their control or that of the employer (e.g. the death of the employer), the employee is entitled to be paid for the period of the prevention, up to a maximum of 14 days.

If the employer dies, both the partners in the estate and the employee have the right to terminate the employment contract.

Duration of layoff

An employer can lay off an employee either for a fixed period or indefinitely. As a rule, layoff is for a fixed period. A layoff of a fixed period must be made in a situation where the employer's ability to offer work has been temporarily reduced and the employer has no suitable work to offer. For example, the employee must be laid off if the employer has to be hospitalised or sent for rehabilitation. In such situations, the layoff is for a fixed period (up to 90 days).

If the employer does not lay off the employee, even if the right to lay off exists, Disability Services may refrain from reimbursing the wage costs. In this case, the employer is responsible for paying the wages.

17 Termination of employment

The employment contract may be terminated on the initiative of the employee or the employer or both together. A fixed term employment contract ends without notice at the end of the fixed term or when the agreed work has been completed. An employment contract of indefinite duration is terminated by giving notice to the other party.

17.1 Dismissal or termination of employment by the employer

You can terminate an indefinitely valid employment contract only for a valid and weighty reason. **If you feel that you need to dismiss your employee, ask for advice and guidance from the personal assistance social counsellor of the wellbeing services county's Disability Services.**

A valid and weighty reason for the dismissal of an employee may be, for example

- a serious breach of failure to comply with obligations, which have a material effect on the employment relationship
- a substantial change in the employee's working conditions, which makes it impossible for them to carry out their duties.

You must execute the termination within a reasonable period of time after the reason for the termination has come to your attention.

As an employer, you can terminate the employment within the notice periods laid down in the Employment Contracts Act¹⁰.

¹⁰ The wellbeing services county will reimburse the wages for the period of notice under the Employment Contracts Act (the length of the period depends on the duration of the employment).

The length of the notice period depends on the duration of the employment. If you terminate the employment contract without giving notice, you may be liable to compensation for unlawful dismissal.

The economic and production-related reason for dismissal is a reduction in or cessation of work. In practice, this usually means that the employer with a disability no longer receives compensation from the municipality for hiring a personal assistant¹¹.

You cannot dismiss your employee on the following grounds:

- Your employee has an illness, injury or has suffered an accident, unless these have caused a substantial and prolonged reduction in their capacity to work that does not reasonably require the continuation of the contractual relationship.
- Your employee takes part in industrial action.
- Your employee has political, religious or other opinions with which you disagree.
- Your employee is involved in social or association activities.
- Your employee is seeking legal redress.

If you terminate your employee's employment without just cause, you can be ordered to pay the employee compensation equivalent to between 3 and 24 months' salary under the Employment Contracts Act.

An employer may only terminate an employment contract with immediate effect for a very weighty reason. Such a reason may be a breach of or failure to comply with the employee's obligations arising from the employment contract or the law, which have a material effect on the employment relationship, which is so serious that the employer cannot reasonably be expected to continue the employment relationship, even for a period of notice.

If the employee has been absent from work for at least seven days without giving the employer a valid reason for the absence during that period, the employment contract can be considered terminated from the beginning of the absence.

Advice on this is also available from the Occupational Safety and Health Unit of the Regional State Administrative Agency of Southern Finland, tel. 02950 16000, email tyosuojelu.etela@avi.fi.

¹¹ The employer must offer employment to a former employee dismissed on production and economic grounds who is still seeking work from the employment office, if they need employees within nine months of the end of the employment relationship for the same or similar tasks as those performed by the dismissed employee.

17.2 Resignation or termination of employment

The employment of a personal assistant may end if the employee resigns. The employee does not need a specific reason for resigning. However, the employee is obliged to observe either the notice period agreed in the employment contract or the notice period under the Employment Contracts Act. An employee can only resign from a fixed term contract if the contract provides for a period of notice. This can also be separately agreed with the employer.

The employee may terminate the employment contract with immediate effect if the employer breaches or fails to fulfil its obligations under the employment contract or the law, which have a material effect on the employment relationship with such seriousness that the employee cannot reasonably be expected to continue working, even for the period of notice.

18 Legislation on personal assistants

www.finlex.fi

- Act on Disability Services and Assistance 380/1987
- Act on the Status and Rights of Social Welfare Clients 812/2000

Legislation binding on the employer:

- Employment Contracts Act 55/2001
- Working Time Act 872/2019
- Annual Holidays Act 162/2005
- Occupational Health Care Act 1383/2001
- Act on Checking the Criminal Background of Persons Working with Children 504/ 2002
- The EU General Data Protection Regulation (GDPR)...

19 Further information for the employer

19.1 Occupational Safety and Health Unit of the Regional State Administrative Agency for Southern Finland

The Regional State Administrative Agency for Southern Finland's Occupational Safety and Health Unit provides advice and guidance on matters such as employment relationships, occupational safety and health and well-being at work.

Contact information:

- Tel.: 029 501 6620 (helpline)
- E-mail: tyosuojelu.etela@avi.fi

Street address:
Regional State Administrative Agency of Southern Finland
Occupational Safety and Health Unit
Ratapihantie 9/P.O. Box 11
000521 HELSINKI

Advice at the office by appointment only.

19.2 Other guides

Disability Services Handbook

Personal assistance

Further information: www.vammaispalvelujenkasikirja.fi

Heta is an association for the employers of personal assistants. Its website contains an Information Bank with material and videos on topics such as:

- what personal assistance is
- recruiting an assistant
- occupational health care
- a glossary of frequently used terms

Further information: www.heta-liitto.fi/tietopankki

Several employer support guides are available to download at the personal assistance website: www.henkilokohtainenapu.fi

20 Employer's checklist

The personal assistance checklist for employers contains the main forms you should submit to Disability Services or occupational health care. You can find the forms and further guidance on the Disability Services website www.luvn.fi/vammaispalvelut.

Send to Disability Services at the beginning of the employment:

- the employment contract
- power of attorney to the municipality for the purpose of discharging the employer's obligations
- notification of employee's experience allowance
- assistant's tax card

Address of Disability Services:

Western Uusimaa Wellbeing Services County/Disability Services
Kamreerintie 2 A
02770 Espoo

Follow the instructions you receive for occupational health care

Send to Disability Services during the employment

- time sheets for monitoring worktime
- notifications of holidays, layoffs and other absences. Notifications are made on the absence notification form.

Send to Disability Services at the conclusion of the employment

- notice of termination
- notice of absence: last day of employment or holidays if taken before the end of employment.
- working hours sheet: the employee's wages are due on the next pay day.



Employer

- Acts as the supervisor.
- Complies with labour legislation and the employment contract.
- Plans the shifts.
- Familiarises the assistant and guides their work.

Employee

- Carries out the tasks assigned by the supervisor.
- Complies with working hours, regulations and the employment contract.
- Respects the employer's privacy.

The welfare region

- Assesses and decides on personal assistance.
- Guides and advises the employer.

- By power of attorney, takes care of the payment of wages and social security contributions.