

NB: Unofficial translation

Ministry of Employment and the Economy, Finland
2011

**Study Leave Act
(273/1979, amendments up to 482/2011 included)**

Purpose and scope of the Act

Section 1.

The purpose of this Act is, through a system of study leave, to improve the opportunities for training and study available to the working population.

Section 2.

In this Act the expression "study leave" means any period for which an employer has released a worker from the performance of the duties pertaining to the latter's employment, to enable him to pursue training or study. Further provisions for the forms in which study leave is granted shall be laid down by decree.

The period of study leave shall not include any period for which the worker trains or studies on instructions from the employer or in respect of which provision has been made in a general collective agreement or civil servants' collective agreement for the training or study to be equated with work or during which the worker takes part in statutory training prescribed for his occupation if he has not agreed to this in writing. (1178/1993)

The provisions as to study leave in this Act shall also apply, where relevant, to any period which a farmer or other person working on his own account devotes to corresponding training or study.

Section 3.

This Act shall also apply to a person who is a public official or stays in any similar relationship to the State or a municipality or other public body.

In this Act a body covered by the first paragraph of this section shall also be treated as an employer.

This Act shall not apply to apprentices covered by the Contracts of Apprenticeship Act (422/1967), to workers carrying out practical work under supervision while following a course of study or practical instruction, or to other persons studying as part of their employment.

Right to study leave

Section 4. (58/1997)

A worker whose full-time employment relationship with the same employer has lasted overall for at least one year in one or more periods shall be entitled, under the restrictions laid down below, to up to two years of study leave over five years in the same employer's service. Likewise, the worker is entitled to altogether five days of study leave if his full-time

employment relationship with the same employer in one or more periods has lasted at least three months.

Section 5. (663/1986)

A study leave may be granted for studies in a programme subject to public supervision.

A study leave may be granted also for trade union studies, as separately agreed in a general collective agreement or a civil servants' collective agreement and for participating in training for farmers, as separately provided for. (1178/1993)

A study leave may be granted also for studies abroad which can be compared to studies mentioned in paragraph 1. (42/1991)

Further provisions concerning the forms of training and studies referred to in section 5, paragraphs 1 and 2, of section 5 shall be issued by decree.

Section 6.

For the purpose of determining the non-statutory financial benefits on the basis of an employment relationship, a study leave shall be considered equal to active employment in so far as agreed to in a general collective agreement or a civil servants' collective agreement. (1178/1993)

Special provision is made for the annual leave and pension benefits to be recognised on the basis of study leave.

Procedure to be followed in applying for and granting study leave

Section 7.

Provision for the procedure to be followed in applying for and granting study leave shall be laid down by decree.

Section 8.

Where the grant of study leave during the period indicated in the worker's application would involve manifest inconvenience for the employer's business, the employer shall be entitled to postpone the date on which the study leave is to begin for not more than six months or, in the case of training that is repeated at longer intervals than six months, until not later than when the next appropriate opportunity for training is arranged.

The employer shall also be entitled to postpone study leave in the manner prescribed in the first paragraph of this section where less than six months have elapsed since the worker took his last period of study leave and the proposed period of study leave is not intended to conclude a course of training or study that the worker began during his last period of study leave.

Where the employer regularly employs at least five workers, study leave may not be postponed for the reasons indicated in the first paragraph of this section on more than two consecutive occasions.

Section 9. (454/2007)

Where the grant of study leave to all the applicants at the time indicated in the applications would involve manifest inconvenience for the employer's business and leave cannot therefore be granted to all the applicants, priority shall be given to the persons who have applied for vocational training or to complete their primary schooling. Where the order of priority cannot be determined on these grounds, priority shall be granted to the persons with least education. Before taking a decision the employer shall discuss the matter with the workers' representatives, according to the negotiation procedure laid down in chapter 6 in the Act on Co-operation within Undertakings (334/2007) and in the Act on Cooperation between the Employer and Employees in Municipalities (449/2007).

Section 9 a. (663/1986)

The worker may postpone a study leave granted for more than five days, provided that the postponement will not cause serious harm for the employer.

The employer shall be notified at least two weeks before the scheduled beginning of the study leave.

Interruption of study leave**Section 10.**

Where the worker has been granted a study leave for more than fifty working days, he shall be entitled to interrupt it and return to work.

Where the worker wishes to avail himself of his right under paragraph 1, he shall notify the employer at least four weeks before returning to work. (42/1991)

Where a worker is incapacitated for work on account of sickness, maternity or an accident during a period of study leave and such incapacity lasts for more than seven consecutive days, such part of the period of incapacity as exceeds this limit shall be disregarded for the purposes of the period of study leave if the worker so requests without undue delay. If the worker so requests, he shall be entitled to avail himself at some later time of the study leave interrupted in this way, without regard to the provisions of the second paragraph of section 8.

Where a contract has been concluded for the engagement of a temporary substitute for the period of study leave, the employer shall not be under any obligation, for such time as the contract concluded with the substitute is required by law or collective agreement to remain in force, to reinstate the worker who applied for the leave.

Further provisions as to the procedure to be followed in connection with interruptions covered by this section shall be made by ordinance.

Miscellaneous provisions**Section 11.**

A worker's contract of employment shall not be terminated either with or without notice on the ground that he has applied for or taken study leave.

The provisions of the first paragraph of this section as to the termination of contracts of employment either with or without notice shall, where relevant, also apply to the cessation of any other service relationship.

Section 12.

The authority arranging for a course of instruction or training or supervising a proficiency test shall be required to provide the student, in such manner as may be prescribed by decree, with a certificate confirming that the study leave has been spent in the approved manner. If so requested by his employer, a worker shall produce the certificate for the employer's inspection.

Where, without having a valid reason for so doing, a student has neglected his studies or failed to take part in a course of training during a period of study leave to such an extent that he cannot be provided with the certificate referred to in the first paragraph of this section, the employer shall be entitled to refuse to grant him study leave for the next two years. The student shall also forfeit the rights under section 6 which have accrued during his period of study leave.

Section 13. (1178/1993)

Derogations to the provisions of sections 4 to 10 may be made under a general collective agreement or one concerning public service.

An employer bound by an agreement under the Collective Agreements Act (436/1946) may, by virtue of paragraph 1 above, apply the provisions of the collective agreement also to such workers as are not bound by the collective agreement to whose employment relationship the provisions of the collective agreement are otherwise applied. If so agreed in an employment contract, collective agreement provisions of this kind may be complied with after the expiry of the collective agreement until the entry into force of a new collective agreement in employment relationships to which the provisions could be applied were the collective agreement still in force. (35/1999)

Section 13a (66/2001)

Employers required to observe a generally binding collective agreement as referred to in chapter 2, section 7, of the Contracts of Employment Act (55/2001) may also observe the provisions of the collective agreement, mentioned above in section 13 of this Act within its scope of application unless application of a provision presupposes agreement at the local level. In such cases the provisions of the last sentence of section 13, paragraph 2, also apply.

Section 14.

Whoever violates the provisions of sections 4, 8, 10 or 11 shall be sentenced to a fine for *a violation of the provisions of the Study Leave Act*.

The Prosecutor shall prosecute an act punishable under paragraph 1 only if the injured party has reported the act for prosecution. (482/2011)

Section 15.

Compliance with this Act shall be supervised jointly by the authorities responsible for education, manpower, and labour protection, as further provided for by decree.

It is the duty of the Employment Offices subordinated to labour district offices and the leave boards referred to in the Act on the annual leave of farmers and finding substitutes for them (102/1978), to assist in arranging for the substitutes necessary for the implementation of this Act.

Section 16.

Further provisions concerning the implementation and application of this Act shall be issued by decree. As for the proceedings provided for in this Act, exemptions concerning civil servants and employees referred to in paragraph 1 of section 3 may be enacted by decree.

Section 17.

This Act enters into force on January 1, 1980.