

APPENDIX

to agreement on arranging on-the-job training and/or theses at the workplace

MUTUAL CONTRACTUAL TERMS

Stipulations applied to on-the-job training and theses

On-the-job training and theses are stipulated by the act and decree on vocational education including amendments to them (L 630/1998, L 479/2003, L 601/2005, A 811/1998, A 603/2005) as well as by the study plans. Theses are stipulated by the act and decree on vocational adult education (L 631/1998, A 812/1998). All the stipulations are available in the Finlex legislative database at: www.finlex.fi

On-the-job training and theses are also stipulated by, among other things, recommendations and contentions by trade unions and field-specific employment contracts, the Working Hours Act, Employment Contracts Act, Occupational Safety and Health Act, Young Workers' Act, Decree on Protecting Employees, Ministry of Employment and the Economy's decisions on jobs suitable for the young and hazardous to young workers, Tort Liability Act, Employment Accidents Act, as well as Student Financial Aid Act.

Cooperation

The representative of the workplace and teacher mentoring the student (teacher-in-charge) agree on arranging on-the-job training and theses in more detail in student-specific plans and inform each other of any changes in them.

The college and employees cooperate on developing the contents and execution of on-the-job training periods and theses. An essential part of this development is monitoring the regional workforce demands and changes in employees' competence requirements. The college appoints a vocational consultative committee - consisting of teachers and representatives of local business life - to coordinate cooperation.

Student's status and obligations

The student is not covered by an employment relation and he/she is not paid wages, unless otherwise agreed in the employment contract. The student is obliged to follow the order of the workplace as well as instructions and regulations related to work and safety. The student is not entitled to disclose to a third party any business secrets or other confidential information.

College's obligations and responsibility

The college appoints a teacher mentoring the student (teacher-in-charge) and supports the workplace in executing on-the-job training and theses.

The teacher-in-charge prepares the student for the workplace and ensures on his/her part that the student is aware of his/her obligation to follow the order of the workplace as well as instructions and regulations related to work and safety.

Employer's obligations and responsibility

The employer appoints a workplace instructor with sufficient facilities to perform the task. The instructor acts as the representative of the workplace in planning, executing and assessing on-the-job learning and theses. The employer gives the college the required information on the conditions, tasks and tools related to the work and work environment. The employer ensures that the workplace instructor and other staff members are sufficiently aware of the agreement as well as of the plans and tasks related to the student's on-the-job learning and/or thesis.

Occupational safety

The employer is responsible for the student's occupational safety during on-the-job learning periods and thesis as required by the Occupational Safety and Health Act and Young Workers' Act. The student shall be inducted into the conditions and work and production methods of the workplace. The student must be instructed in the use of tools and safe work methods. Special attention shall be paid to guidance and supervision. The employer is responsible for the working conditions, equipment, devices, as well as arrangement of guidance and supervision. The employer is also responsible for ultimately ensuring that the student has the required protective equipment and that he/she uses them. Particularly important occupational safety issues are entered in the student's on-the-job learning and/or thesis plan.

A person under 18 is covered by special protection (the Young Workers' Act, Decree on Jobs Especially Detrimental or Hazardous to Young Workers, as well as the Occupational Safety and Health Act). Nevertheless, a person who is 16 years or older can conduct work listed by the Ministry of Employment and the Economy as hazardous, provided that the industrial safety district supervising the workplace is notified and provided that the hazard is prevented by taking safety measures. A person under 16 may not perform such hazardous jobs that are listed in the Ministry of Employment and the Economy's decree 128/2002.

Accidents and insurance

The college's responsibility and obligation to insure against accident is based on the Employment Accidents Act and the Decree on Compensation for Accidents to Students. The compensation obligation is determined on the basis of the Employment Accidents Act. The student is covered by the college's accident insurance when on-the-job training is not covered by an employment relation. If on-the-job training is covered by an employment relation, the student is covered by the workplace's accident insurance.

During an on-the-job training period the student is considered an employee, and the workplace's liability insurance secures the student according to the vicarious liability principle.

Varia's's liability insurance covers the student's personal compensation obligation within the E.U. in case that the student has caused the employer or a third person damage - damage to person or goods - by an act deemed more serious than a mild act. The insurance compensates for the damage only as far as compensation cannot be acquired on the basis of other insurance.

The student may be personally obliged to compensate for damage if he/she has due to negligence caused damage at the workplace, to an employee of the workplace, or to a third person.

Work arrangement and working hours

During on-the-job training and theses the student is included in study-related social benefits to the extent stipulated.

If the employer does not provide the student with meals, the employer charges the college for or the college pays the student the valid price of a student meal based on the meal-compensation form.

Work clothes, protective equipment and tools

If the employer cannot provide the required work clothes or protective equipment, the student uses his own or the college's clothes during on-the-job training. If the student is required to use his/her personal tools, this fact is mentioned in the student-specific on-the-job learning and/or thesis plan.

Assessment

The workplace instructor, student and teacher assess on-the-job learning and thesis according to the principle of tripartism.

Other issues agreed

The employer is entitled to terminate an on-the-job learning period if the student is incapable of performing the tasks agreed; if the student disregards rules and safety regulations; or if the student intentionally or by gross negligence causes damage to the employer's property, personnel, or customers. The workplace instructor shall contact the teacher-in-charge if he/she is prematurely terminating an on-the-job learning period.

In case of industrial action, the college is entitled to immediately transfer the student to another workplace.

Validity of the agreement

A fixed-term agreement terminates at the end of the contractual period without a period of notice. An agreement valid until further notice is valid for three years after signing of the agreement and automatically continues one year at a time unless it is canceled at least two (2) months before the termination of the contractual period.

Interpretations of the agreement

Any disagreements over interpreting the agreement will primarily be solved by negotiations between the contracting parties. If consensus cannot be reached, arbitration proceedings will be commenced. A person approved by the contracting parties is invited to act as arbitrator.