

# The employment status, working conditions and social protection of vocational education trainees: The example of Finland

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## Abstract<sup>1</sup>

The employment status of trainees and its influence on labour and social security rights and working conditions is still an unresolved issue. This article analyses the employment status and rights of vocational education trainees in Finland in the light of the EU's Quality Framework for Traineeships (QFT), and the proposals for a reinforced QFT and a Traineeships Directive. In Finland, vocational education trainees are explicitly excluded from the category of employees. It is argued that this exclusion is not in accordance with the practice of the Court of Justice of the EU or with Finland's own definition of an employment relationship, and has negative effects on the labour rights and social protection of vocational education trainees. Non-employed vocational education trainees have only limited protection as regards their working time, health and safety, information and equality rights, and their social protection is weaker than that of employees. Nevertheless, due to the Finnish universal social protection system, vocational education trainees are covered by mandatory social protection, which fulfils the requirements of formality, effectivity, adequacy and transparency.

## Keywords

Traineeships, vocational education, social security protection, employment status, labour rights

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1. I am grateful to two anonymous referees for their comments and suggestions. All remaining errors and shortcomings are my own.

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## Introduction

In 2014, the Council of the European Union adopted a Recommendation on a Quality Framework for Traineeships (QFT).<sup>2</sup> The main reasons for the adoption of the QFT were related to the poor educational quality of traineeships and to the use of trainees as cheap or free labour to perform regular (and often menial) working tasks. The aim of the Recommendation was to improve the quality of traineeships, in particular their learning and training content and the working conditions of the trainees, with the aim of easing the transition from education, unemployment or inactivity to work.<sup>3</sup> The QFT foresees various measures to achieve this purpose. Among others, a written traineeship agreement must be concluded, traineeships must have a maximum duration of six months, and the Member States (MS) are called upon to promote best practices in learning and training and ensure the respect of trainees' employment rights and working conditions.

The QFT defines a traineeship as a limited period of work practice, whether paid or not, which includes a learning and training component, undertaken in order to gain practical and professional experience, with a view to improving employability and facilitating the transition to regular employment.<sup>4</sup> Traineeships can be categorised in four broad groups: (a) open-market traineeships (based on non-mandatory, bilateral agreements between a trainee and a host, with no involvement of a third party and with no formal connection to education); (b) traineeships that are part of active labour market policies (offered to the inactive or unemployed usually by a public institution); (c) traineeships that are part of formal education and training curricula (school, vocational and higher education); and (d) traineeships that are a mandatory requirement to access a certain profession (medicine, architecture, etc.).<sup>5</sup> Traineeships forming part of a curriculum of formal or vocational education and traineeships whose completion is a mandatory requirement to access a specific profession are exempted from the scope of the QFT,<sup>6</sup> because of the expectation that involvement of an educational institution reduces the risk of participants being exploited (European Commission, 2016: 4).

In 2023, the impact of the QFT was evaluated by the European Commission (European Commission, 2023a). It concluded that while the QFT is highly relevant for fostering the labour market integration of young people, its effectiveness should be improved. It was suggested that: the traineeships covered should be defined in more detail; the QFT should formulate the recommendations more directly; additional principles ensuring the remuneration and social protection of trainees should be considered; a more explicit equality perspective should be included, ensuring quality traineeships for young people from different backgrounds; and greater harmonisation should be achieved with the principles of the Quality Framework for Apprenticeships<sup>7</sup> (European Commission, 2023a). Similarly the academic literature has voiced some criticism, to the effect

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2. Council Recommendation on a Quality Framework for Traineeships (Quality Framework for Traineeships) [2014] OJ C 88.
  3. Council Recommendation on a Quality Framework for Traineeships (Quality Framework for Traineeships) [2014] OJ C 88, Recital 1.
  4. Council Recommendation on a Quality Framework for Traineeships (Quality Framework for Traineeships) [2014] OJ C 88, Recital 27.
  5. Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships COM/2024/133 final, Recital 15–19.
  6. Council Recommendation on a Quality Framework for Traineeships (Quality Framework for Traineeships) [2014] OJ C 88, Recital 27, 28.
  7. Council Recommendation on a European Framework for Quality and Effective Apprenticeships [2018] OJ C 153.

that instead of increasing the chances of finding a good-quality job, the QFT provides only a limited number of minimum standards, and that it guarantees transparency on pay, working times and health and safety, rather than proposing minimum conditions (Eleveld et al., 2022).

The QFT does not address the employment status of trainees. It requires the conclusion of a traineeship agreement without specifying whether this could be regarded as some type of employment agreement or as a purely civil contract, and thus leaves the employment status of a trainee open. The content of the QFT might suggest that trainees working under a traineeship agreement are not regarded as employees. However, researchers find that trainees do fulfil the conditions (especially the condition of performing work in a subordinate relationship) which must be met in order to be classified as employees (Paz-Fuchs, 2021; Rosin, 2017a). Similarly, in other EU legislation (especially in the Directive on Transparent and Predictable Working Conditions<sup>8</sup>), as well as in the case law of the Court of Justice of the EU (CJEU), trainees have been regarded as workers.<sup>9</sup> The employment status of a trainee directly influences her/his employment rights and working conditions, as well as the social protection available to her/him. If a trainee is regarded as an employee, she/he will enjoy most labour rights and broad social protection. Non-employed trainees have fewer employment rights and poorer social protection. While the EU recommends that the MS should ensure access to adequate social protection for all workers, regardless of the nature of their employment relationship, and for the self-employed,<sup>10</sup> the MS have broad discretion in determining the conditions and scope of this coverage.

In March 2024, in response to the concerns related to the employment rights, working conditions and social protection of trainees, the European Commission proposed a Traineeships Directive<sup>11</sup> improving the working conditions of trainees and tackling bogus traineeships, as well as a revised QFT<sup>12</sup> to address issues of quality and inclusiveness, such as fair pay and access to social protection. Unlike the QFT, the revised QFT covers all trainees, including trainees participating in a traineeship as part of their formal education and training.<sup>13</sup> The exact effect of these initiatives will be seen in the future. Nevertheless, it is worth analysing whether these acts have the potential to clarify the employment status of trainees, and improve their working conditions and social protection through this status, or to strengthen their employment rights and social protection without the need to establish their employment status.

While the EU aims to regulate all traineeships, the category includes various modes of workplace experiences, all of which have their own challenges. This article deals more specifically with vocational education traineeships. In addition to EU law, the example of Finland is used because of its relatively new legislation, explicitly exempting vocational education trainees from the scope of national labour law.

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8. Directive (EU) 2019/1152 of the European Parliament and of the Council on transparent and predictable working conditions in the European Union [2019] OJ L 186.

9. These acts and case law will be more specifically analysed in the next parts of the article.

10. Council Recommendation 2019/C 387/01 on access to social protection for workers and the self-employed [2019], Para 8.

11. Proposal for a Directive of the European Parliament and of the Council on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') [2024] COM/2024/132.

12. Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships COM/2024/133 final.

13. Council Recommendation on a Quality Framework for Traineeships (Quality Framework for Traineeships) [2014] OJ C 88, Recital 15, Para 2.

In Finland, vocational education traineeships are organised as part of vocational education and training and form an integral part of the basic vocational qualification. A survey conducted in the EU in 2023 found that 74% of people between 18 and 35 in Finland had undertaken at least one traineeship. More than 65% of these traineeships were part of education programmes or professional training (European Commission, 2023b). In 2024, a total of 137 training providers received authorisation to offer vocational education and training in Finland, granting them the capacity to instruct more than 157,000 students (Opetushallinnon tilastopalvelu, 2025).

Vocational education traineeships are based on a traineeship agreement, and are allowed during the process of obtaining a vocational qualification. In addition to vocational education traineeships, Finland also has open-market traineeships, as well as traineeships organised as part of higher education or active labour market services. There is no specific regulation of open-market or higher education traineeships in Finland. In practice, the employment rights and social protection enjoyed by these trainees depend on the establishment of their employment status. Open-market trainees are usually considered as employees and enjoy the same protection as employees. The various universities in Finland have no common policy regarding higher education traineeships. Nevertheless, they have made efforts to coordinate their policies through a career services network: *aarresaari.net*. According to this page, the trainee concludes a fixed-term employment agreement with the employer, and her/his minimum salary must be at least the minimum wage set by Kela (the Finnish Social Insurance Fund), at €1430 a month. Some of the students also receive traineeship subsidies from their universities. Universities pay employers around €1300–1800 for a three-month traineeship, if the employment contract is concluded and the minimum wage paid. However, *aarresaari.net* does not refer to a prohibition on higher education students participating in traineeships without concluding an employment contract (Hewitt et al., 2024). Hence, in practice some higher education trainees may be well protected through the conclusion of an employment contract, and others may be left without protection if their employment status is not established. Traineeships that are organised as part of active labour market services are often, similarly to vocational education traineeships, excluded from the scope of the Finnish Employment Contracts Act, and are regulated separately through social protection legislation. Therefore, the actual protection that these trainees enjoy depends on the type of traineeship and the specific protection afforded by social protection legislation.

The aim of this article is to analyse whether vocational education trainees should be considered as employees, and how their employment status influences their employment rights and working conditions, and their social protection. The article first examines the employment status of trainees in the light of national law, EU (labour) legislation and the case law of the CJEU. Second, it analyses the working conditions and employment rights of vocational education trainees. Third, it discusses the social protection coverage of vocational education trainees and its dependence on their employment status.

## **The employment status of vocational education trainees**

### *The EU approach*

As mentioned earlier, the QFT does not address the employment status of trainees. However, trainees may still be classified as employees for the purposes of national law, or as workers in the light of EU law. I will start by analysing this second possibility.

The Treaty on the Functioning of the European Union (TFEU) secures freedom of movement for workers. This freedom of movement entails the abolition of any discrimination based on nationality between workers of the MS as regards employment, remuneration and other conditions of work and employment.<sup>14</sup> While initially, persons classified as workers were guaranteed only protection from discrimination, later other EU employment law protections were extended to workers through the decisions of the CJEU or by the explicit use of the term in EU employment legislation. The TFEU itself does not provide any definition of a worker, and the characteristics of this concept are to be found in the case law of the CJEU.

The core characteristics of the concept of worker have been determined by three CJEU decisions. In *Unger*,<sup>15</sup> the CJEU held that the term ‘worker’ for the purposes of Article 45 TFEU has a Community meaning. It found that the TFEU, by establishing freedom of movement for workers, has given Community scope to this term. The Court explained that leaving the definition of the term up to the MS would enable the MS to modify the meaning of worker and to eliminate the protection afforded by the TFEU. The Court also confirmed that the concept of worker is broader than the concept of employee. In *Levin*,<sup>16</sup> the CJEU found that a person can be considered as a worker even if he earns a wage that is below the minimum level guaranteed in the sector under consideration, as long as he pursues an economic activity that is effective and genuine, and not purely marginal and ancillary. The Court also stressed that the concept of worker cannot be interpreted restrictively. In *Lawrie-Blum*,<sup>17</sup> the CJEU found that ‘worker’ must be defined in accordance with objective criteria distinguishing the employment relationship. The Court stated that ‘the essential feature of an employment relationship is that for a certain period of time a person performs services for and under the direction of another person in return for which he receives remuneration’.

When determining the status of trainees in the context of EU employment law, we need to clarify whether trainees fulfil the characteristics of a worker. In several cases, the CJEU has found that trainees can be regarded as workers. In *Lawrie-Blum*,<sup>18</sup> the CJEU found that a trainee teacher who ‘under the direction and supervision of the school authorities, is undergoing a period of service in preparation for the teaching profession during which he provides services by giving lessons and receives remuneration’ should be regarded as a worker. In *Bernini*,<sup>19</sup> a paid trainee in the design and planning department of a furniture factory was regarded as a worker because he was working under the direction of another person in return for remuneration. The fact that the productivity of the trainee was low, that he worked only a small number of hours per week and received only limited remuneration did not affect this classification. In *Brown*,<sup>20</sup> a person working for a company before his studies in the university as a pre-industrial trainee was classified as a worker. In *Kranemann*,<sup>21</sup> a trainee lawyer carrying out genuine and effective activity as an employed person was considered to be a worker. In classifying trainees as workers, the CJEU has considered the characteristics of a worker and interpreted the concept broadly. The CJEU has found that a lower level of remuneration, limited duration of a traineeship or the fact that the

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14. Consolidated version of the Treaty on the Functioning of the European Union [2012] OJ C326/47, Art 45.

15. Case C- 75/63 *Unger* ECLI:EU:C:1964:19.

16. Case C- 53/81 *Levin* ECLI:EU:C:1982:105.

17. Case C-66/85 *Lawrie Blum* ECLI:EU:C:1986:284.

18. Case C-66/85 *Lawrie Blum* ECLI:EU:C:1986:284.

19. Case C-3/90 *Bernini* ECLI:EU:C:1992:89.

20. Case C-197/86 *Brown* ECLI: EU:C:1988:323.

21. Case C-109/04 *Kranemann* ECLI: EU:C:2005:187.

traineeship forms part of an educational curriculum does not exclude trainees from the category of workers, as long as their activity is genuine and effective, and not only ancillary (Rosin, 2017b). As a rule, then, trainees can be categorised as workers under EU law. The only obstacle to classifying trainees as workers could be the absence of payment or remuneration. The CJEU has not explicitly excluded unpaid trainees from the category of workers, but in the abovementioned cases all the trainees were paid. However, if some kind of payment were to be a precondition to be classified as a worker, an expansive interpretation of ‘remuneration’ could allow inclusion in this category of trainees who do not receive monetary payment. I will illustrate this later when discussing Finnish practice.

Unlike the QFT in force, the proposed revised QFT and the Traineeships Directive directly address the issue of a trainee’s employment status. The revised QFT has a broad personal scope, covering ‘trainees, regardless of their employment status, including trainees who are workers only insofar and to the extent that equivalent or more favourable provisions are not laid down in Union law’.<sup>22</sup> Hence, for the purposes of applying the revised QFT, it is not necessary to establish the employment status of a trainee.

The Traineeships Directive does not give a clear and straightforward answer to the questions of whether or not a traineeship agreement should be considered as an employment contract, and which traineeships are covered. Recital 16 states that ‘This Directive should apply to trainees in the Union who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the MS, with consideration to the case law of the Court of Justice of the European Union.’ Therefore, similarly to the Transparent and Predictable Working Conditions Directive (TPWCD), the Traineeships Directive uses a hybrid version of the concept of worker in determining its personal scope. Bednarowicz has argued that the wording as such is difficult to implement. Although the employment status needs to be determined according to national law, the case law of the CJEU has also to be considered. If the definition in national law does not correspond to that of the CJEU, the latter should prevail (Bednarowicz, 2019; Countouris, 2018). Hence, in determining the employment status of vocational education trainees in Finland for the purposes of the Traineeships Directive and TPWCD, we should consider not only the criteria in national law but also the criteria set forth by the CJEU in its abovementioned practice concerning traineeships. If the case law of the CJEU conflicts with national law, the CJEU’s criteria are to be used. Unlike in the TPWCD, the personal scope of the Traineeships Directive is not regulated in the main text of the Directive, and the recitals in the Preamble do not have the same legal power as the main text.

The main text of the Directive makes it more complicated to determine the employment status of trainees. Article 2 (a) defines ‘traineeship’ as ‘a limited period of work practice which includes a significant learning and training component, undertaken to gain practical and professional experience with a view to improving employability and facilitating transition to a regular employment relationship or accessing a profession’, without referring to a trainee’s employment status. Therefore, traineeships that are not regarded as employment relationships could also belong in this category. Article 2 (b), on the other hand, defines a trainee as ‘any person undertaking a traineeship who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in every Member State with consideration to the case law of the

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22. Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships COM/2024/133 final, Para 2.

Court of Justice'. Hence, a trainee should have an employment contract. The personal scope of the Directive appears to be unclear. On the one hand, it applies to traineeships that are regarded as employment relationships (Preamble, definition of a trainee), but on the other hand, it also includes arrangements that do not constitute an employment contract (definition of a traineeship).

The issue becomes even more complex when continuing to Chapter III of the Directive, which deals with regular employment relationships disguised as traineeships. Article 4 requires the MS to 'provide for effective controls and inspections conducted by competent authorities to detect and take enforcement measures against practices where a regular employment relationship is disguised as traineeship'.<sup>23</sup> A regular employment relationship is defined in Article 2 (c) as 'any employment relationship that is not a traineeship'. This gives the impression that the aim is to take enforcement measures against traineeships (whether regarded as civil contracts or as special types of employment contracts) that in fact hide ordinary working arrangements.

Article 5 of the Directive provides a list of criteria that should be considered in the assessment. The following elements, among others, need to be taken into account:

- (a) the absence of a significant learning or training component;
- (b) excessive duration or multiple and/or consecutive purported traineeships with the same employer by the same person;
- (c) equivalent levels of tasks, responsibilities and intensity of work for trainees and regular employees;
- (d) requirement of previous work experience for candidates for traineeships without appropriate justification;
- (e) a high ratio of traineeships to regular employment relationships with the same employer;
- (f) a significant number of trainees with the same employer who have completed two or more traineeships or held regular employment relationships in the same or a similar field of activity, prior to the traineeship.<sup>24</sup>

While Article 4 requires the MS to take enforcement measures against bogus traineeships, it does not specify whether this includes reclassification of the trainee as an employee or, for example, banning these practices. However, if the competent authorities consider that a situation is one of regular employment, the purported trainee could claim employee-status and the rights related to this status from the employer, and as a last resort from the court. In determining whether the trainee is in fact a (regular) employee, two classification routes can be used. First, if the person was hired through a traineeship agreement that was a special type of employment agreement (or if the national legislation automatically regards trainees as special types of employees), only the elements listed in Article 5 of the Directive (and, if foreseen in national law, other elements) should be assessed. Second, if the person is working under a civil-law traineeship agreement (or was explicitly excluded by national law from being an employee), ascertaining whether or not a regular employment relationship exists requires the establishment of an employment relationship

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23. Proposal for a Directive of the European Parliament and of the Council on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') [2024] COM/2024/132, Art 4.

24. Proposal for a Directive of the European Parliament and of the Council on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive') [2024] COM/2024/132. Art 5(1).

and the assessment of factors listed in Article 5. In this latter case, the determination of an employment relationship requires the consideration of characteristics set forth in the case law of the CJEU as well as in national law (as foreseen in Recital 16 and Article 2 (b)). Hence, Article 5 of the Directive is, taken alone, not intended to determine the employment status of trainees, but to distinguish between exploitative practices and work-integrated learning practices.

As the reinforced QFT does not address the question of whether trainees should be regarded as employees, and the approach of the Traineeships Directive is also unclear, the national classification becomes decisive and has a substantial influence on trainees' working conditions and social protection. I will continue by analysing the Finnish approach to the employment status of vocational education trainees.

### *The employment status of vocational education trainees in Finland*

In determining the characteristics of an employment relationship, the MS are not strictly bound by the EU concept of worker. As the CJEU itself notes, the category of 'worker' is broader than that of 'employee'. Therefore, for the purposes of national law, the national concept of employee is used. In Finland, the definition of an employment contract can be found in the Employment Contracts Act (ECA),<sup>25</sup> according to which 'employment contracts are contracts entered into by an employee, or jointly by several employees as a team, agreeing personally to perform work for an employer under the employer's direction and supervision in return for pay or some other remuneration'.

The characteristics of an employment contract in Finland appear to be similar to those for a worker, and therefore trainees could be considered as employees according to national law. Nevertheless, the ECA explicitly excludes certain groups of workers from its scope. According to Chapter 1, Section 2 of the Act, it does not apply to:

- (a) employment relations or service obligations subject to public law;
- (b) ordinary hobby activities;
- (c) contracts on work to be performed which are governed by a separate legal provision.

The last exemption is important for vocational education trainees, because the Finnish Vocational Education and Training Act (VETA)<sup>26</sup> stipulates that in training based on a training agreement, a student is not in an employment relationship. As such, although a vocational education traineeship probably fulfils the conditions of an employment relationship, these trainees are not considered as employees. The VETA has been amended recently, and the earlier version did not clearly refute the employee status of vocational education trainees. It only noted that a trainee and the employer are not normally in a labour relationship, but can agree otherwise by concluding an employment contract<sup>27</sup>; it thus left room for a broader interpretation as regards the employment status of the trainee.

25. Työsopimuslaki [Employment Contracts Act], adopted on 26 January 2001, [http://www.finlex.fi/fi/laki/ajantasa/2001/20010055?search\[type\]=pika&search\[pika\]=ty%C3%B6sopimuslak](http://www.finlex.fi/fi/laki/ajantasa/2001/20010055?search[type]=pika&search[pika]=ty%C3%B6sopimuslak), Ch 1, s 1.

26. Laki ammatillisesta koulutuksesta [Act on Vocational Education and Training] adopted on 11th August 2017, at <https://www.finlex.fi/fi/laki/ajantasa/2017/20170531>, s 71.

27. Laki ammatillisesta koulutuksesta 630/1998 [Finnish Vocational Education Act], <https://www.finlex.fi/fi/laki/alkup/1998/19980630>, s 16.

The Government's proposal for the VETA<sup>28</sup> does not clarify why the training agreement cannot be regarded as an employment relationship. It only explains that when a student performs tasks mentioned in the traineeship agreement and personal development plan, this is not regarded as working in an employment relationship. In the case of additional working tasks, an employment relationship is formed between the employer and the student. In addition, if the student was in an employment relationship with the employer before the traineeship, no traineeship agreement can be concluded and an apprenticeship agreement should be used instead.<sup>29</sup>

The proposal also recognises that in a traineeship, the student would work under the direction, control and supervision of the employer. In Finland, the subordination of an employee to the employer is one of the main characteristics of an employment relationship. It is then even more surprising that students working in a subordinate relationship are explicitly excluded from the category of employees. The proposal also mentions that a trainee does not receive any remuneration or other benefits, which is needed, according to the ECA, to classify the relationship as an employment relationship. However, in the academic literature (Paanetoja, 2013; Sarkko, 1975; Sipilä, 1968), it has been argued that the fact that a wage is usually paid in money does not rule out other modes of payment having economic value to the employee. In the case law of the Supreme Court of Finland, the obtaining of education has been regarded as a wage.<sup>30</sup> The countereffect of this interpretation is that if obtaining training is regarded as remuneration, the employer would not have to pay any money to the trainee. The ECA also states that the Act applies regardless of the absence of any agreement on remuneration, if the facts indicate that the work was not intended to be performed without remuneration.<sup>31</sup> Therefore, in determining whether the requirement of remuneration is fulfilled, we should assess the nature of the activity rather than the actual payment.

It appears that the CJEU and national law determine the employment status of vocational education trainees differently. While the CJEU most probably considers trainees as workers, national law excludes them from the category of employees. One could argue, similarly to the proposal for the VETA, that if vocational education trainees are not paid, they cannot either be regarded as workers for the purposes of EU law. In my opinion, the requirement of remuneration should be interpreted similarly to in Finnish law, by determining whether the activity of the trainee is genuine and effective with an expectation of payment, instead of requiring actual payment. The payment of remuneration is the main obligation on the employer, and the existence of an employment relationship cannot be dependent on fulfilment of this obligation. The outcome would be absurd if the employer could avoid an employment relationship by failing to fulfil the obligation for payment.

The non-employee status of vocational education trainees in Finland impacts their employment rights, working conditions and social protection. Moreover, the discrepancy between the CJEU approach and national law as regards their employment status can result in vocational education trainees being entitled to certain labour rights directly, on the basis of EU law. I will continue

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28. Hallituksen esitys 39/2017 eduskunnalle laiksi ammatillisesta koulutuksesta ja eräiksi siihen liittyviksi laeiksi, <https://www.finlex.fi/fi/esitykset/he/2017/20170039#idm45843168306736>.

29. Hallituksen esitys 39/2017 eduskunnalle laiksi ammatillisesta koulutuksesta ja eräiksi siihen liittyviksi laeiksi, <https://www.finlex.fi/fi/esitykset/he/2017/20170039#idm45843168306736>, reasoning for Ch 8.

30. Finnish Supreme Court, Decision of 17 December 1953, KKO 1952 II 7.

31. Työsopimuslaki 55/2001 [Employment Contracts Act], [http://www.finlex.fi/fi/laki/ajantasa/2001/20010055?search\[-type\]=pika&search\[pika\]=ty%C3%B6sopimuslak](http://www.finlex.fi/fi/laki/ajantasa/2001/20010055?search[-type]=pika&search[pika]=ty%C3%B6sopimuslak), Ch 1, s 1.

by analysing the effect of the employment status of vocational education trainee on their labour rights.

## Working conditions of vocational education trainees

The QFT does not cover vocational education trainees and therefore does not give any recommendations as regards their working conditions. The revised QFT recommends that MS 'ensure that the rights and working conditions of trainees under applicable Union and national law, including health and safety legislation, limits to maximum weekly working time, minimum daily and weekly rest periods and, where applicable, minimum holiday entitlements, are respected through effective monitoring and enforcement' and 'that traineeship providers provide an appropriate, safe and healthy working environment, including equipment and work organization in the case of remote and hybrid traineeships'.<sup>32</sup> Additionally, the written information on the essential aspects of their work foreseen in Article 4 of the TPWCD needs to be provided to the trainee.<sup>33</sup> So long as the reinforced QFT is not yet in force, vocational education trainees in Finland need to rely on protection provided by national law and the CJEU case law. Nevertheless, it is useful to note that if the reinforced QFT does come into force, the MS will have to ensure respect of the trainees' rights under both Union and national law, and, above all, will have to comply with the rules on health and safety and working time.

In Finland, employees enjoy protection enshrined in a wide range of employment laws. The ECA regulates the employees' right to pay, family leave, protection from dismissal, right to a written explanation on the essential aspects of their work, and restricts the use of non-compete clauses and atypical employment contracts, etc. Additionally, the Working Hours Act<sup>34</sup> places limits on the maximum working time, overtime and night work, stipulating the employees' right to daily rest breaks, daily and weekly rest periods, and annual leave in certain cases. The Annual Leave Act<sup>35</sup> stipulates a right to paid annual leave. Employees are also covered by acts guaranteeing equal treatment at the workplace, such as the Non-Discrimination Act<sup>36</sup> and the Act on Equality between Women and Men,<sup>37</sup> as well as enjoying collective rights under the Collective Agreement Act<sup>38</sup> and Act on Cooperation.<sup>39</sup>

Trainees who are not regarded as employees enjoy only limited protection. In addition to protection extended to vocational education trainees by national law, they may be entitled to some protection based directly on EU employment law. This is because the use of the EU concept of 'worker' has been broadened to include fields other than that of freedom of movement, and the CJEU and Finnish law determine the employment status of vocational education trainees differently.

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32. Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships COM/2024/133 final, Paras 7, 10.

33. Proposal for a Council Recommendation on a reinforced Quality Framework for Traineeships COM/2024/133 final, Para. 4.

34. Työaikalaki 872/2019 [Working Hours Act], <https://finlex.fi/fi/lainsaadanto/2019/872>.

35. Vuosilomalaki 162/2005 [Annual Leave Act], <https://www.finlex.fi/fi/lainsaadanto/2005/162>, s 8.

36. Yhdenvertaisuuslaki 1325/2014 [Non-Discrimination Act], <https://finlex.fi/fi/lainsaadanto/2014/1325>.

37. Laki naisten ja miesten välisestä tasa-arvosta 609/1986 [Act on Equality between Women and Men], <https://finlex.fi/fi/lainsaadanto/1986/609>.

38. Työehtosopimuslaki 436/1946 [Collective Agreement Act], <https://www.finlex.fi/fi/lainsaadanto/1946/436>.

39. Yhteistoimintalaki 1333/2021 [Act on Cooperation], <https://www.finlex.fi/fi/lainsaadanto/2021/1333>.

In *Syndicale Solidaires*,<sup>40</sup> the CJEU considered the personal scope of the Working Time Directive<sup>41</sup> and stated that the Directive made no reference to either the definition of ‘worker’ in the Framework Directive on Health and Safety<sup>42</sup> or the definition of ‘worker’ to be derived from national laws and/or practices. The Court held that, for the purposes of applying the Working Time Directive, the concept of a worker has an autonomous EU meaning, and defined the employment relationship along the lines of *Lawrie-Blum*. The Working Time Directive requires the MS to set limits to weekly working hours, foresee rest breaks, a minimum daily and weekly rest period, paid annual leave of at least four weeks per year, and extra protection in case of night work. The Working Time Directive is implemented in Finnish legislation by the Working Hours Act, which applies to employees and civil servants and excludes vocational education trainees because of their non-employee status. However, the VETA explicitly broadens some working time protection to trainees. The working hours required of a student may not exceed the regular working hours of the workplace. In addition, the provisions on daily rest breaks, daily and weekly rest periods and shift rosters in the Working Hours Act apply to a student’s work.<sup>43</sup> The extra protection in case of night work is not extended to vocational education trainees, nor does the right to paid annual leave enshrined in the Annual Leave Act apply to them. Since the CJEU has regarded trainees as workers and the Working Time Directive applies to workers, Finnish vocational education trainees could claim their rights connected to night work and annual leave on the basis of the Working Time Directive.<sup>44</sup>

Researchers have also argued that the Racial Equality Directive,<sup>45</sup> Employment Equality Directive,<sup>46</sup> Recast Directive<sup>47</sup> (Equality Directives), the Pregnancy Directive<sup>48</sup> and the Temporary Agency Work Directive<sup>49</sup> also apply to workers (Eleveld et al., 2022). From the viewpoint of vocational education trainees, the Equality Directives are the most important. The Equality Directives are implemented in Finnish law by the Non-Discrimination Act and the Act on Equality between Women and Men. The VETA explicitly states that the Non-Discrimination Act applies in training based on a training agreement.<sup>50</sup> However, it protects vocational education trainees from discrimination only on the basis of age, ethnic or national origin, nationality, language, religion,

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40. Case C-428/09 *Union syndicale Solidaires Isère* ECLI:EU:C:2010:612 .

41. Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time [2003], OJ L 299.

42. Council Directive on the introduction of measures to encourage improvements in the safety and health of workers at work 89/391/EEC [1989], Art 1(1).

43. Laki ammatillisesta koulutuksesta [Act on Vocational Education and Training], adopted on 11 August 2017, at <https://www.finlex.fi/fi/laki/ajantasa/2017/20170531>, s 77.

44. Joined cases C-397/01 to C-403/01 *Pfeiffer and Others* ECLI:EU:C:2004:584.

45. Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin [2000] OJ L 180.

46. Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation [2000] OJ L 303.

47. Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) [2006] OJ L 204.

48. Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding [1992] OJ L 348.

49. Directive 2008/104/EC of the European Parliament and of the Council on temporary agency work [2008] OJ L 327.

50. Laki ammatillisesta koulutuksesta [Act on Vocational Education and Training] adopted on 11th August 2017, available at <https://www.finlex.fi/fi/laki/ajantasa/2017/20170531>, s 77.

belief, opinion, health, disability, sexual orientation or other personal characteristics, but not on the basis of gender, which is covered by the Act on Equality between Women and Men. Therefore, similarly to with the Working Time Directive, trainees could claim protection from discrimination on the basis of gender by reference to the Equality Directives.

As referred to earlier, a hybrid version of the concept of worker has been used to determine the scope of the TPWCD. According to Art.1(2) of the TPWCD, the Directive lays down minimum rights that apply to every worker in the Union who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State with consideration to the case law of the CJEU. Hence, if vocational education trainees were classified as workers according to EU law, contrary to national law, the TPWCD would apply.<sup>51</sup> In addition to the workers' right to receive written information on the essential aspects of their work, the TPWCD foresees a range of rights to improve the working conditions of atypical workers. In Finland, the TPWCD is implemented by the ECA, which excludes vocational education trainees from its scope. As a result, the rights included in the TPWCD do not apply to vocational education trainees, according to national law. Nevertheless, as the practice of the CJEU needs to be considered in determining the personal scope of the TPWCD, vocational education trainees can benefit directly from the protection foreseen for workers, on the basis of directives.<sup>52</sup>

In addition to the rights described above, the VETA stipulates that vocational education trainees in Finland are covered by the provisions on working hours and occupational safety and health in the Young Workers' Act,<sup>53</sup> and by the Occupational Safety and Health Act.<sup>54</sup> This appears to reflect the idea of the reinforced QFT that trainees, regardless of their employment status, should enjoy health and safety protection at the workplace.

Although the VETA and EU Directives broaden some employment protection to vocational education trainees, the protection they enjoy is clearly weaker than that of employees. The VETA, in conjunction with the Directives, protect trainees' health and safety, set limits to their working time and protect them from discrimination; however, vocational education trainees are not covered by most of the important protection foreseen in other Finnish employment acts. Hence, the explicit exclusion of vocational education trainees from the category of employees directly influences their labour rights and working conditions.

## Social protection of vocational education trainees

While the QFT addresses the social protection of trainees only to a limited extent, recommending that MS 'encourage traineeship providers to clarify whether they provide coverage in terms of health and accident insurance as well as sick leave',<sup>55</sup> the reinforced QFT substantially strengthens their social protection. The MS are recommended to 'ensure that trainees have access to adequate

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51. The application of the TPWCD to trainees has also been confirmed in the preamble to the Directive, which explicitly states that in its case law, the CJEU has established criteria for determining the status of a worker, and that this interpretation should be taken into account in the implementation of the Directive. 'Provided that they fulfil those criteria...trainees and apprentices could fall within the scope of this Directive.'

52. Joined cases C-397/01 to C-403/01 *Pfeiffer and Others* ECLI:EU:C:2004:584.

53. Laki nuorista työntekijöistä 998/1993 [Young Workers' Act], <https://finlex.fi/fi/lainsaadanto/1993/998>.

54. Työturvallisuuslaki 738/2002 [Occupational Safety and Health Act], <https://www.finlex.fi/fi/lainsaadanto/2002/738>.

55. Council Recommendation on a Quality Framework for Traineeships (Quality Framework for Traineeships) [2014] OJ C 88, Para 7.

social protection, including necessary coverage in line with national legislation, and taking into account, where applicable, the Council Recommendation 8 November 2019<sup>7</sup>.

The Council Recommendation on access to social protection for workers and the self-employed<sup>56</sup> recommends that the MS provide access to adequate social protection to all workers and self-employed persons, and establish minimum standards for social protection of workers and the self-employed.<sup>57</sup> They are expected to provide formal coverage, effective coverage, adequacy, and transparent social protection.<sup>58</sup> The Recommendation covers unemployment benefits, sickness and healthcare benefits, maternity and equivalent paternity benefits, invalidity benefits, old-age benefits and survivors' benefits, and benefits in respect of accidents at work and occupational diseases, but does not apply to the provision of access to social assistance and minimum income schemes.<sup>59</sup>

Even though the Recommendation covers workers and the self-employed, and therefore appears to be neutral as regards employment law status, the exact social protection coverage of the person is dependent on whether he is regarded as a worker or as self-employed. While workers must be covered by social protection schemes on a mandatory basis, coverage for the self-employed is voluntary, and only mandatory where appropriate.<sup>60</sup> This means that the social protection of vocational education trainees also depends on their employment law status. If they are considered to be employees, they must be covered by mandatory social protection schemes; otherwise their social protection can be voluntary.

The Finnish social security system is as an example of a Nordic welfare system, with some additional features. The key characteristics of the Nordic model are universalism, public services, a high tax rate and a high share of public funding. Public authorities play a central role in social policy. They provide social services for everyone. Another distinctive feature of the Nordic system is its comprehensive income support system. Nordic systems are also characterised by high employment rates, an emphasis on gender equality and active labour market policies. Finland differs from other Nordic countries by its private occupational pension scheme system and by a more comprehensive system of minimum benefits, based on the requirement in the Finnish Constitution that basic income security be guaranteed in certain life situations (Arajärvi, 2011). However, while the Finnish social security system covers a broad range of risks, the level of support has been criticised as being below that recommended by the European Social Charter.<sup>61</sup>

The social protection of trainees in Finland is, logically, influenced by the general characteristics of the Finnish social security system. People living in Finland are covered by universal social services. While the amount of social security benefits may depend on the person's earlier income, all

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56. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387.

57. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Para 1.

58. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Para 2.

59. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Paras 3 and 4.

60. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Para 8.

61. See Recommendation adopted by the Committee of Ministers of the Council of Europe on 14 June 2023 at the 1469th meeting of the Ministers' Deputies, on the basis of Complaint No. 172/2018 in the case *Finnish Society of Social Rights v Finland* CM/RecChS(2023)1.

people are covered by at least minimum protection. There are different support systems in Finland, but the basic idea is that each form of support corresponds to a specific social risk. As a rule, benefits paid under different support systems should not be cumulated, but there are exceptions to this principle. Therefore, vocational education trainees who are regarded as students in Finland are not completely left without social protection. However, because of their exclusion from the category of employees, their social guarantees can be more limited. Here again their categorisation as employees according to the ECA becomes crucial in determining their social protection rights. I will now compare the social protection of non-employed vocational education trainees with the social protection of employees, to determine the extent of their coverage and identify any differences between vocational education trainees and employees in this regard.

During their traineeship, vocational education trainees are enrolled in a vocational education institution. Being a full-time student influences a trainee's right to unemployment benefits. In Finland, full-time students are not entitled to unemployment benefits.<sup>62</sup> However, a jobseeker's studies are not regarded as full time if, on the basis of at least six months of stable employment or business activity during the period of study, it can be considered that the studies do not constitute an obstacle to full-time employment.<sup>63</sup> VETA does not set out the length of a traineeship, but only envisages the vocational education institutions right to organise part of the studies as workplace learning.<sup>64</sup> Earlier vocational education legislation<sup>65</sup> stipulated that of the 180 study credits needed for the completion of vocational education, 30 credits had to be acquired through workplace training. Thirty study credits correspond to six months of work. This was the minimum, not the maximum length of traineeships. As, also according to the VETA now in force, there is no limit on the maximum length of a traineeship, a vocational education traineeship could be expected to last more than six months. Hence, if trainees were regarded as employees during their traineeship lasting more than six months, they would have access to unemployment benefits. Sadly, because of their explicit exclusion from the category of employees, they do not have this protection.

Vocational education students who live permanently in Finland are insured under the Health Insurance Act.<sup>66</sup> This act foresees the right to sickness and healthcare benefits, parental benefits and short-term invalidity benefits. Sickness and parental allowances depend on the insured persons annual income, which must be at least €1264 per year.<sup>67</sup> If the insured person has no income or if her/his income is lower, she/he is entitled to a minimum allowance.<sup>68</sup> Vocational education trainees do not receive any payment during their traineeship and are therefore entitled to a minimum allowance only, similarly to other people with no income. From the beginning of 2025, only insured persons who are at least 18 years old receive sickness benefits.<sup>69</sup> Therefore, vocational education trainees under that age have no right to minimum sickness benefits. This

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62. Työttömyysturvalaki 1290/2002 [Unemployment Benefits Act], <https://finlex.fi/fi/lainsaadanto/2002/1290>, s 10.

63. Työttömyysturvalaki 1290/2002 [Unemployment Benefits Act], <https://finlex.fi/fi/lainsaadanto/2002/1290>, s 10a.

64. Laki ammatillisesta koulutuksesta [Act on Vocational Education and Training] adopted on 11th August 2017, available at <https://www.finlex.fi/fi/laki/ajantasa/2017/20170531>, s 69.

65. Valtioneuvoston asetus ammatillisesta peruskoulutuksesta [Government Decree on Vocational Basic Education] 6 November 1998/811], <https://www.finlex.fi/fi/laki/ajantasa/kumotut/1998/19980811>, s 5a.

66. Sairausvakuutuslaki 1224/2004 [Health Insurance Act], <https://finlex.fi/fi/lainsaadanto/2004/1224>, ch 1, s 1.

67. Sairausvakuutuslaki 1224/2004 [Health Insurance Act], <https://finlex.fi/fi/lainsaadanto/2004/1224>, ch 3, s 1.

68. Sairausvakuutuslaki 1224/2004 [Health Insurance Act], <https://finlex.fi/fi/lainsaadanto/2004/1224>, ch 3, s 3.

69. Sairausvakuutuslaki 1224/2004 [Health Insurance Act], <https://finlex.fi/fi/lainsaadanto/2004/1224>, ch 8, s 2.

provision applies also to employees, so here there is no difference between non-employee trainees and trainees who work subject to an employment contract.

Similarly, old-age benefits start to accumulate after the person turns 18 years old. Finland has a dual system of pensions. The national pension is aimed at securing a minimum subsistence income during old age, invalidity or on grounds of loss of custody. The national pension is accrued on the basis of living in Finland, and is available to persons living permanently in the country. An occupational pension accrues from working in an employment relationship or as self-employed on the basis of occupational pension contributions paid from one's wage (Arajärvi, 2011). When an occupational pension is paid, a person who has completed a basic vocational qualification is entitled to the benefit for up to five years of study. The imputed income on which the benefit is based is €523.61 per month.<sup>70</sup> Vocational education trainees therefore accrue an occupational pension during their studies, on condition that they complete their studies and obtain a vocational qualification. The income that the pension is accrued from is rather modest. There is no minimum wage in Finland, but according to Statistics of Finland, the average wage at the end of 2023 was €4000 per month, and the median wage of a full-time worker was €3600 per month (InfoFinland, 2025). It is clear that if the vocational education trainees were in an employment relationship during their traineeship, they would accrue a larger occupational pension than they accrue on the basis of their vocational qualification.

The invalidity pension can be paid as an occupational pension, national pension or both. Employees are entitled to an invalidity pension under the Workers' Pension Act if their capacity for work has been reduced by at least two fifths due to sickness, disability or injury for a continuous period of at least one year. If the capacity for work is reduced by at least three fifths, the full invalidity pension is paid; otherwise, the invalidity pension is granted only partially.<sup>71</sup> The amount of the full pension is the sum of the pension earned by the end of the year preceding the year of the pension event and the expected future pension component. The partial invalidity pension is half of the full pension.<sup>72</sup> Hence, the invalidity pension paid to the employee is dependent on his income. If the person has no right to an invalidity pension under the Workers' Pension Act or if the pension is too low, an invalidity pension is paid under the National Pension Act.<sup>73</sup> The pension is paid as a national pension, at the level of €528.50 per month.<sup>74</sup> Similarly, survivors' benefits depend on the earlier income of the deceased person.

In the event that the person is entitled to an old-age or invalidity pension and her/his pension is insufficient for a reasonable standard of living, she/he has a right to a guaranteed pension.<sup>75</sup> In 2025, the amount of the guaranteed pension is €986.30 per month (KELA, 2025). In 2024, the average pension in Finland was €2100 per month and the median pension €1848 per month (Työeläke, 2025). Therefore, the guaranteed pension was only around half of the median pension.

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70. Laki valtion varoista suoritettavasta eläkkeen korvaamisesta alle kolmivuotiaan lapsen hoidon tai opiskelun ajalta 644/2003 [Act on the compensation of pensions paid from state resources during the period of care or study of a child under three years of age], s 3.

71. Työntekijän eläkelaki 395/2006 [Workers' Pension Act], <https://www.finlex.fi/fi/lainsaadanto/2006/395>, s 35.

72. Työntekijän eläkelaki 395/2006 [Workers' Pension Act], <https://www.finlex.fi/fi/lainsaadanto/2006/395>, s 66. Ibid, Section 66.

73. Kansaneläkelaki 568/2007 [National Pension Act], <https://finlex.fi/fi/lainsaadanto/2007/568>, s 1.

74. Kansaneläkelaki 568/2007 [National Pension Act], <https://finlex.fi/fi/lainsaadanto/2007/568>, s 19.

75. Laki takuueläkkeestä 703/2010 [Guaranteed Pension Act], <https://finlex.fi/fi/lainsaadanto/2010/703>, s 1.

As the levels of old-age, invalidity and survivor's pensions in Finland depend on the person's earlier income, working for free during a vocational education traineeship influences the pension received, reducing its amount. If an insufficient amount is accrued, the person can rely on pensions paid under the National Pension Act and Guaranteed Pension Act, which are considerably smaller than the pensions paid under the Workers' Pension Act. However, the duration of a vocational education traineeship is unlikely to be long enough to require the person to rely on a guaranteed pension, as a last resort.

Vocational education trainees in Finland are also covered by benefits in respect of accidents at work and occupational diseases. The payment of these benefits is regulated by a separate Act<sup>76</sup> that includes vocational education trainees in its scope.

As explained, vocational education trainees are covered by the main fields of social protection in Finland. They must be covered by social protection schemes, in the same way as workers. Hence, vocational trainees are formally covered as required by the Recommendation on access to social protection. The Recommendation also calls for effective coverage by ensuring that the rules governing contributions and entitlements do not prevent individuals from accruing or accessing benefits because of their type of employment relationship or labour market status; and that differences in the rules governing the schemes between labour market statuses or types of employment relationship are proportionate and reflect the specific situation of beneficiaries.<sup>77</sup> The vocational education trainees do have access to social protection benefits, although these can be lower than those received by workers because the amount of the benefit is dependent on their income. Nevertheless, it cannot be claimed that the differences in social protection between employees and vocational education trainees are disproportionate. The Recommendation allows for differences, and a slightly lower level of social protection compared to employees appears to be justified by the specific status of the trainees (who are students). The Finnish system also seems to guarantee the adequacy of social protection schemes (such schemes should provide an adequate level of protection in a timely manner and in line with national circumstances, maintaining a decent standard of living and providing appropriate income replacement, while preventing those members from falling into poverty);<sup>78</sup> it does this by guaranteeing the vocational education trainees protection against all risks and by ensuring the minimum coverage as a last resort. Finally, the Recommendation requires the MS to 'ensure that the conditions and rules for all social protection schemes are transparent and that individuals have access to updated, comprehensive, accessible, user-friendly and clearly understandable information about their individual entitlements and obligations free of charge'.<sup>79</sup> This transparency is also ensured in Finland. Although the Finnish social protection system is complicated, individuals have access to the information required through various State bodies, especially through the Finnish Social Insurance Fund KELA.

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76. Laki opiskeluun liittyvissä työhön rinnastettavissa olosuhteissa syntyneen vamman tai sairauden korvaamisesta 460/2015 [Act on compensation for injury or illness caused in circumstances similar to work in connection with studies], <https://www.finlex.fi/fi/lainsaadanto/saaduskokoelma/2015/460>.

77. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Para 9.

78. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Para 11.

79. Council Recommendation on access to social protection for workers and the self-employed 2019/C 387/01 [2019] OJ C 387, Para 15.

In conclusion, it is clear that vocational education trainees are more poorly protected than employees. Nevertheless, it cannot be claimed that the Finnish social protection schemes do not fulfil the requirements foreseen in the Recommendation on access to social protection.

## Conclusions

The explicit exclusion of vocational education trainees from the category of employees in Finland creates various problems. Firstly, this exclusion is not fully compatible with the definition of an employment relationship according to Finnish law. Trainees perform work in a subordinate relationship, and hence should be classified as employees.

Next, by excluding vocational education trainees from the category of employees, Finnish legislation clashes with EU law. In its case law, the CJEU has, on several occasions, regarded trainees as being workers. The concept of worker is used not only in the context of free movement, but the CJEU and some directives have also broadened its use to other fields of labour law. It is possible that if a vocational education trainee is classified as a worker for the purposes of EU law and a non-employee according to national law, the rights contained in a range of directives will become directly applicable based on the EU classification. However, EU law itself is also somewhat confusing. While trainees have been regarded as employees in the case law of the CJEU and some EU directives, the QFT is silent as regards their status, the reinforced QFT does not deal with this issue, and the proposed Traineeships Directive gives an unclear picture of the employment status of trainees.

The exclusion of vocational education trainees from the category of employees directly influences their labour rights and working conditions, as well as the social protection they enjoy. Vocational education trainees have only limited protection as regards their working time, health and safety, information and equality rights. Neither is their social protection equal to that of employees. Nevertheless, Finnish law guarantees vocational education trainees the protection foreseen in the EU Recommendation on access to social protection, which, according to the Recommendation, should be guaranteed to workers only. The protection also fulfils the requirements of formality, effectivity, adequacy and transparency. Hence, while the protection provided is poorer than that of an employee, the requirements of the Recommendation are fulfilled.

Although the non-employee status of vocational education trainees in Finland is not fully in accordance with Finnish and EU labour law, and these trainees enjoy a lower level of rights than employees, equal treatment with employees could be counterproductive to the aim of the traineeships. Above all, traineeships should be workplace learning experiences. Trainees who are still learning how to do the work are not as productive as regular employees. Requiring employers to guarantee trainees the same rights as to regular employees could influence their willingness to provide traineeships. One solution could be to regulate traineeships by special employment contracts similar to apprenticeships, not excluding trainees fully from the category of employees, but considering them as employees with limited labour rights and social protection.


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