

STUDY LEAVE, 31 JANUARY 2003

Study leave offers work-attending persons a flexible chance of studying. The right to study leave is based on the Study Leave Act (273/1979). The Act is applied to persons in employment and civil service relationships as well as to persons in comparable service relationship subject to public law (hereinafter called employment relationship). The employee's employment relationship goes on during study leave. Instead, no pay is given during study leave, unless it has been agreed on in the collective agreement or in the collective agreement for public servants in central and local government or between the employer and the employee.

RIGHT TO STUDY LEAVE

The employee can take study leave for two years at the most during five years, when the full-time employment relationship has lasted for at least one year in one or several periods.

If the employment relationship has lasted for at least three months, the employee is entitled to five days' study leave at the most.

The study leave can be taken in one or several periods. The leave can also be divided into periods so that the employee is part of the working day in work and part on study leave.

A student in apprenticeship training is not entitled to study leave.

FOR WHAT KIND OF STUDIES CAN STUDY LEAVE BE USED?

Study leave can be used for:

- training subject to public supervision (also abroad)
- trade union training and training arranged for farmers working on their own account on certain conditions

Training or studies accepted as grounds for study leave may include:

- following the education
- guided practical training according to the curriculum
- preparing for the passing of an examination or a final project, yet ten working days at the most immediately before the passing of each examination or each final project
- full-time guided independent studies in order to pass the examination or final project
- participation in an exam

APPLYING FOR AND GRANTING STUDY LEAVE

The study leave is always based on the employee's application. Application for over five working days' study leave has to be made in writing to the employer at least 45 calendar days before beginning the studies. Study leave for a maximum of five working days has to be applied for orally or in writing at least 15 calendar days before the studies begin, unless otherwise is agreed on between the employer and the employee.

The study leave application should mention:

- the dates when the studies and the study leave begin and end
- the form and objective of the training and the studies

- is it a question of completing training or studies that have begun during previous study leave
- the school or other arranger of the training or education
- the curriculum adopted by the teacher and student guiding the studies in full-time independent studies. The curriculum shows the examination or final project aimed at as well as the time of studying required

If over five working days' study leave is applied for, the employer should inform about his decision in writing at least 15 calendar days before the beginning of the studies. In other cases, the employer should inform about his decision seven days at the latest before the beginning of the studies.

POSTPONING STUDY LEAVE

The employer can postpone the study leave, if it considerably hampers the employer's activities. The leave may be postponed for a maximum of six months at a time. If the training starts more seldom than at six months' intervals, the employer may postpone the beginning of the study leave to the beginning of the following training period at the most.

The employer is also entitled to postpone the study leave in cases where less than six months have elapsed since the former study leave of the employee, and the intention is not to terminate studies that have begun during the former study leave.

In enterprises of at least five employees, the employer may only postpone the date when the study leave starts twice in succession. In enterprises of four employees at the most, the employer's right to postpone the study leave is not limited to two times, but it could even be continuous. In each case, the postponement requires that the study leave cause the employer's activities considerable inconvenience.

The employee may postpone the use of more than five days' study leave, unless it causes the employer considerable inconvenience. Application for the postponement of study leave can be made in writing for maximum one year at a time. If the employee does not want to use the study leave granted to him, it should be informed to the employer in writing at least two weeks before the study leave begins.

INTERRUPTING STUDY LEAVE

An employee, who has been granted study leave for more than 50 working days, may interrupt the study leave and return to work. Shorter study leave cannot be interrupted. The employee shall inform the employer about the interruption of the study leave in writing at least four weeks before the intended return to work.

The employer is not obliged to employ an employee who is on study leave before the employment contract of the substitute possibly employed instead can be legally terminated. The employer shall without delay inform the employee in writing about his decision concerning the interruption of the study leave, and about the date when the employee can return to work.

BENEFITS BASED ON THE EMPLOYMENT RELATIONSHIP DURING STUDY LEAVE

During study leave, the employee is not entitled to pay. Instead, annual holidays for the employee will accrue during study leave as well, yet for 30 study leave days at the most during the holiday

qualifying year. The accrual of annual holidays requires the return of the employee to work as soon as the study leave ends.

The study leave may reduce the amount of the pension, since no pay is given during the leave. The period without pay may affect i.a. the time entitling to pension, the annual wages serving as the basis for the calculation of pension, and the retaining of time to come. Additional information on the effect of study leave on pension benefits is available from the Central Pension Security Institute, the Local Government Pensions Institution, and the State Treasury.

The employer must not give notice to the employee because the employee has applied for and used study leave. Yet, study leave does not prevent dismissal, if there is a legal ground for it.

LIVELIHOOD DURING STUDY LEAVE

The employee can be entitled to financial support for studies pursued during study leave.

The adult training allowance granted by the Education Fund is intended for the support of independent training. In addition, it is possible to get state guarantee for study loan granted by the Social Insurance Institution.

An adult student may as the state's financial aid for students, granted by the Social Insurance Institution, get study grant, student housing allowance and state guarantee for study loan.

The Education Fund and the Social Insurance Institution provide further information on the benefits for students.