

Unofficial translation

© Ministry of Social Affairs and Health, Finland

No. 312/1992

FAMILY CARER ACT

Issued on 3 April 1992

Section 1 Family carer

For the purposes of this Act, *family carer* means a person who, based on a commission agreement made with the municipality or joint municipal board responsible for arranging care, gives in his/her home such family care as is referred to in section 25 of the Social Welfare Act (710/1982).

As family carers can be accepted persons who have such education and training, experience or personal qualities that they are suitable to give family care.

In addition to what is provided in paragraph 2, it is required in the cases referred to in section 26 a (2) of the Social Welfare Act that at least one of the persons living in the place of care and participating in the caring and upbringing has suitable education and training and adequate experience of caring or upbringing.

A person who has made a commission agreement referred to in this Act is not in an employment relationship referred to in section 1 of the Employment Contracts Act (55/12001) to the municipality or joint municipal board which has made the agreement. (26.1.2001/86)

Section 2 Remuneration

Unless otherwise agreed in the commission agreement, family carers are entitled to remuneration for the care they are providing as laid down in more detail by Decree. The amount of the remuneration is based on the time spent on care and on how demanding the caring task is.

The amount of the remuneration and more detailed criteria for determining it are prescribed by Decree.

Section 2 (temporary amendment 1427/2004 in force from 1 January to 31 December 2005) Remuneration for care

Unless otherwise agreed in the commission agreement, family carers are entitled to remuneration (remuneration for care) for the care they are providing. The amount of the remuneration for care is based on the time spent on care and on how demanding the caring task is. The remuneration for care is at least EUR 234 for a person cared for per calendar month, and at the most:

- 1) EUR 701 when the family carer cares for the person on a full-time basis; or
- 2) EUR 351 when the family carer does not care for the person on a full-time basis.

If the person cared for demands a great deal of care or particular attendance and tending the maximum amounts of the remuneration referred to in paragraph 1 for a person cared for per calendar month can be doubled at the most.

No remuneration for care is payable to a person who is caring for his/her own child under 18 years of age which is placed in family care or to a person who refuses to accept a remuneration. The remuneration can for special reasons be agreed to be paid in a smaller amount than the minimum amount laid down in paragraph 1.

The remunerations for care agreed upon in the commission agreements are revised for the application of the provision on the entry into force of section 17 in the Amended Employees' Pensions Act (634/2003) by the index number confirmed for the year 2005. The amounts of the remunerations for care are rounded up to the nearest maximum EUR.

Section 3 Compensation for expenses

Unless otherwise agreed in the commission agreement, the family carer shall be paid a compensation for the expenses incurred through the care and maintenance of the person cared for as well as for the necessary expenses caused by the initiation of care.

The amount of the compensations to be paid and the detailed criteria for determining them are prescribed by Decree.

Section 4 Commission agreement

The commission agreement shall define:

- 1) the amount and payment of the remuneration to the family carer;
- 2) compensation for the expenses of family care and initiation of the care as well as payment of monthly disposable funds to the person cared for;
- 3) compensation for special expenses due to individual needs of the person cared for;
- 4) the estimated length of care;
- 5) the rights of the person cared for, supportive measures for the person and the person's leisure activities, as well as measures needed for realizing them;
- 6) the right of the family carer to a leave, how the leave is arranged, payment of remuneration and compensation for expenses during the leave;
- 7) training, job supervision and education to be given to the family carer as well as how they are to be realized;

8) termination of the commission agreement; and

9) where necessary, other circumstances concerning the family home and family care.

The commission agreement shall also include a plan for the social and health care services and other supportive measures to be arranged for the person cared for and for the family carer as are necessary for providing family care.

The commission agreement shall be revised due to changes in the length or content of care, as well as when that is otherwise necessary.

Section 5

Termination and rescission of the commission agreement

Unless otherwise agreed in the commission agreement, the commission agreement may be terminated by two months' notice counted from the date of serving the notice.

If the family home and the care given there is found to be inappropriate or deficient, the municipality or joint municipal board responsible for arranging the care shall try to bring about a correction in the matter. If the defect is not remedied within the prescribed time, or if the defect cannot be remedied without unreasonable difficulty or within a reasonable time, the commission agreement may be rescinded immediately.

Section 6

Right to a leave

Unless otherwise agreed in the commission agreement, the family carer shall be provided an opportunity to take a leave of one weekday per each calendar month during which he/she has worked at least 14 days as family carer on the basis of a commission agreement. Payment of remuneration during the family carer's leave shall be agreed upon in the commission agreement.

The municipality or joint municipal board responsible for arranging family care shall be in charge of or, if necessary, assist in arranging appropriate care for the person cared for during the family carer's leave.

Section 7

Education and support

The municipality or the joint municipal board responsible for arranging family care is in charge of providing adequate training, job supervision and education to the family carer.

Section 8

Social security

Provisions on family carers' pension rights are laid down in the Local Government Employees' Pensions Act (202/1964).

Provisions on the accident insurance for family carers are laid down in the Employment Accidents Insurance Act (608/1948).

Section 9
Further provisions

Further provisions on the implementation of this Act are issued, as necessary, by Decree.

Section 10
Entry into force

This Act enters into force on 1 July 1992.

Measures necessary for the enforcement of this Act may be taken before the Act enters into force.