Application of ratified Conventions on working time

FINLAND

Article 22 baselines report

2022

EXPLANATORY NOTE

The present ***draft baselines report*** has been prepared by the Office to facilitate compliance with reporting obligations under article 22 of the ILO Constitution. It contains information currently available to the Office on the measures implementing ratified ILO Conventions on working time in Finland. Where implementing measures are of a legislative nature, hyperlinks to the relevant texts have been included. With regard to other implementing measures, the source of the information is indicated between square brackets. The information contained in the draft report does not indicate a view on the part of the Office regarding compliance with ratified Conventions, supervision of compliance being the responsibility of the ILO supervisory bodies.

You are kindly requested to review the information provided in the draft report and either:

- Validate, using the check boxes provided ☐, if the information is up-to-date and complete; or
- Update as necessary.

Where information is missing, specific questions highlighted in yellow above the corresponding boxes are intended to assist governments in ensuring that the information in the final report is complete.

You are also requested to reply to pending CEACR comments within the specific boxes provided for this purpose.

Moreover, in accordance with the obligations under article 23(2) of the ILO Constitution, you are requested to indicate the representative organizations of employers and workers to which copies of the report (once reviewed and finalized) have been communicated (page 3 of this draft report).

If you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Conventions concerned, please communicate a copy of the observations received, together with any comments that you consider useful (a specific box is available for this purpose also on p.3 of this draft report).

In accordance with the established procedure, your final report should reach the Office by 1 September 2022 (Reporting contact: NORM_REPORT@ilo.org).

As explained in the Office communication of 9 April 2021, this draft article 22 baselines report is also the first step in the implementation of the Governing Body's request concerning the pilot project for the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Please note that if the Governing Body decides to approve the publication of baselines on that Convention, the text in the shaded boxes which corresponds to the national implementing measures on that Convention could be made publicly available.

Country profile

List of ratified Conventions on working time (and their status)

- Hours of work (Part I of the present report)
  Forty-Hour Week Convention, 1935 (No. 47) *(ratification: 1989),* status: *interim status*

- Weekly rest (Part II of the present report)
  Weekly Rest (Industry) Convention, 1921 (No. 14) *(ratification: 1923),* status: *up-to-date*

- Annual holidays with pay (Part III of the present report)
  Holidays with Pay Convention (Revised), 1970 (No. 132) *(ratification: 1990),* status: *interim status*

- Part-time work (Part IV of the present report)
  Part-Time Work Convention, 1994 (No. 175) *(ratification: 1999),* status: *up-to-date*

Pending CEACR comments

Comments on C47: none pending

Comments on C14: Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

Comments on 132: Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

Comments on 175: Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

Compliance with obligations under article 23, paragraph 2, of the Constitution[1]

Please **indicate the representative organizations of employers and workers** to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization. If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

A copy of this report has been sent to the following labour market organisations:

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Professionals (STTK)
4. The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish enterprises

Observations from organisations of employers and workers[2]

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Conventions concerned. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

Forty-Hour Week Convention, 1935 (No. 47)

The Commission for Church Employers

Application of the Working Time Act to spiritual work of the Church

One topic of debate in the Church concerns an amendment to section 2 of the Working Hours Act governing employee categories excluded from the scope of the Act that took effect in 2020. The question concerns the application of section 2, subsection 1, paragraphs 2 and 4 of the Act to priests, church musicians and other official appointees engaged in spiritual work that falls outside of working time. The Commission for Church Employers finds that the amendment was not intended to change the status of Church staff performing such duties. The Negotiation Organisation for Public Sector Professionals (JUKO) and especially the academic staff of the Church have promoted the view that spiritual work falling outside of working time should be largely brought within the scope of working time by law. In accordance with the position represented by the Commission for Church Employers, these parties nevertheless agreed the provisions of the collective agreement of the church for appointed officials and employees governing work falling outside of working time in 2020 and 2022, whereby (with the exception of playgroup supervisors) those engaged in spiritual work of the Church are excluded from the scope of the Working Hours Act pursuant to the said section 2, subsection 1, paragraphs 2 and 4.

Weekly Rest (Industry) Convention, 1921 (No. 14)

The Finnish Confederation of Professionals (STTK)

3 Involuntary part-time work has become more common in the 2010s | Information & trends (stat.fi).
3 Involuntary part-time work has become more common in the 2010s | Information & trends (stat.fi).

The Working Time Act (872/2019) that took effect on 1 January 2020 brought a reform of legislation on working time in Finland. The areas governed by the Working Time Act include daily and weekly working hours, rest periods and standby duty.

The Working Time Act applies to work done on the basis of an employment contract within the meaning of the Employment Contracts Act, and in public service appointments. Exceptions to its scope of application are laid down in section 2 of the Working Time Act.

The Committee has submitted two questions or comments to Finland regarding the weekly rest period and derogation from it. STTK notes that while some amendments have been made to the provisions governing weekly rest periods and associated derogations, these provisions nevertheless remain largely in line with the previous regulations in respect of their basic principles.

The Committee has expressed the following in relation to section 32, subsection 2 of the Working Hours Act that was previously in force:

"The Committee requests the Government to consider suitable steps with a view to ensuring that compensatory rest is granted, as far as possible, when derogations from the ordinary weekly rest scheme are authorized, and that such compensatory rest is given within a reasonably short period of time after performing the work in question."

STTK supports this request submitted by the Committee. STTK stresses that no special developments have taken place at the level of legislation in this regard, as section 28 of the current Working Time Act largely corresponds to section 32 of the previous Working Hours Act.

Holidays with Pay Convention (Revised), 1970 (No. 132)

The Finnish Confederation of Professionals (STTK)

The Committee has noted the following with respect to Article 12 of Convention No. 132:

"Article 12 of the Convention. Prohibition to relinquish or forgo the right to an annual holiday with pay.

In its previous comment, the Committee noted that section 26(1) of the Annual Holidays Act, under which annual leave postponed due to incapacity for work may be replaced by monetary compensation, is inconsistent with the principle of the Convention that a cash allowance in lieu of leave is only permitted in the case of termination of employment. In its reply, the Government states that this provision can be applied only in situations in which the incapacity to work has continued for a long time, and therefore does not violate the employee's right to paid leave. The Committee recalls, in this connection, that the Convention requires that any period of annual paid leave, which may not be taken (for instance due to sickness or injury), be deferred but not lost or compensated (except in the case of termination of employment). The Committee also recalls that in several recent judgments (Case C-350/06 Schultz Hoff, Case C-78/11 Anged) the European Court of Justice has reaffirmed the inalienable character of the workers' right to an annual holiday with pay and has clearly established that an employee who has not had the opportunity to take the leave cannot have the leave extinguished even if any carry over period has expired. The Committee wishes to emphasize the importance of workers effectively enjoying their right to a period of relaxation and leisure every year. The Committee accordingly requests the Government to take the necessary measures to ensure that monetary compensation may be offered in lieu of annual leave only in the case of any unused leave upon termination of employment."

Section 26, subsection 1 of the Annual Holidays Act has been amended with effect as of 2019.

The amendment prolonged the period over which deferred annual holiday may be granted. A provision nevertheless remained in the amended section 26, subsection 1 of the Annual Holidays Act to the effect that if holiday cannot be granted during the period specified in the said subsection due to a continuation of incapacity for work, then holiday compensation will be paid in accordance with the said Act for the holiday not taken.
Annual holiday is accordingly not granted as a holiday in such circumstances, but is instead compensated financially. The provision corresponds to the one that previously applied in this respect.

Having regard to the foregoing, Finnish national legislation enables financial compensation for annual holiday (and additional days of holiday in accordance with section 7a of the Annual Holidays Act) in circumstances other than termination of employment. The national legislation is not consistent with the ILO Convention in this respect (cf. the observations of the Committee: "In its previous comment, the Committee noted that section 26(1) of the Annual Holidays Act, under which annual leave postponed due to incapacity for work may be replaced by monetary compensation, is inconsistent with the principle of the Convention that a cash allowance in lieu of leave is only permitted in the case of termination of employment" and "The Committee recalls, in this connection, that the Convention requires that any period of annual paid leave, which may not be taken (for instance due to sickness or injury), be deferred but not lost or compensated (except in the case of termination of employment)").

The Commission for Local Authority Employers (KT)

Municipal collective agreements are in accordance with Article 12.

Part-Time Work Convention, 1994 (No. 175)

The Central Organization of Finnish Trade Unions (SAK)

Involuntary part-time work has increased in Finland since the 2010s. Sectors in which the volume and proportion of part-time work is particularly pronounced are trading, health and social services, and the hotel and catering industry. Besides part-time employment, new forms of working have begun to emerge in which the employer concludes an assignment, partnership or other agreement with the worker instead of an employment contract. The employer thereby avoids employer obligations and the employee lacks employment protections such as job security, occupational safety and health care, and earnings-related social security. Such arrangements often shift the employer's business risk arising from fluctuations in demand onto the employee. Arrangements of this kind seem to be expanding into more and more sectors, thereby undermining the system of labour law based on the principle of employee protection.

SAK also reiterates the problem of part-time employees that it has already previously reported. Even though chapter 2, section 5 of the Employment Contracts Act requires an employer to offer work to part-time employees, this provision does not always work in practice. Employees are increasingly expected to accept short-term additional work that makes it more difficult to harmonise working and leisure time.

The Finnish Confederation of Professionals (STTK)

The industries with the largest number or proportion of part-time employees are wholesale and retail trading, health and social services, and the hotel and catering sector. One worrying trend in the 2010s has been a rise in involuntary part-time working.[3]

STTK stands by its statement issued in the context of previous reporting by SAK to the effect that even though chapter 2, section 5 of the Employment Contracts Act requires an employer to offer further work to incumbent part-time employees, this provision does not always work in practice, as employees are increasingly expected to agree to short-term additional work that hampers harmonisation of work and leisure time.

The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)

Akava agrees with the SAK's statement.

3 Involuntary part-time work has become more common in the 2010s | Information & trends (stat.fi).

REFERENCES

This draft article 22 baselines report has been prepared on the basis of the following national laws and regulations:

- Employment Contracts Act (No. 55/2001 2001), as at 2021
- Working TimeHours Act (No. 872/2019), as at 2021
- Annual Holidays Act (No. 162/2005), as at 2022
- Collective Agreements Act (No. 436/1946), as at 2021
- Employees Pension Act (No. 395/2006), as at 2022
- Workers Compensation Act (No. 459/2015), as at 2021
- Unemployment Security Act (No. 1290/2002), as at 2022
- Health Insurance Act (No. 1224/2004), as at 2022
- Occupational Safety and Health Act (No. 738/2002), as at 2021 (OSH Act)
- Act on Cooperation (No. 1333/2021), as at 2022
- Public Employment Service Act (No. 1295/2002), as at 2022

Working Time Act (872/2019), translation from Finnish.

The new Working Time Act (872/2019) entered into force on 1 January 2020. Information on the new Working Time Act can be found on the following website: https://tem.fi/en/new-working-time-act-in-a-nutshell.

Young Worker's Act (998/1993; amendments up to 1517/2009 included), translation from Finnish.

Seamen's Working Hours Act (296/1976; amendments up to 1070/2013 included), translation from Finnish.

Act on Working Hours on Vessels in Domestic Traffic (248/1982; amendments up to 1339/2016 included), translation from Finnish.

PART I: Hours of work

I. Principles on hours of work

Article 1 *of Convention No. 47: Approval of the forty-hour week principle and taking or facilitating measures to secure this end*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 5, first paragraph, of the Working Time~~Hours~~ Act (No. 872/2019). [general working time~~normal working hours~~ – forty-hour week principle]

Sections 5, second paragraph, 7 and 11 to 13 of the Working Time ~~Hours~~ Act (No. 872/2019). [averaging of working hours]

Section 14 of the Working Time ~~Hours~~ Act (No. 872/2019). [working time bank~~hours bank~~]

Section 16 to section 18 of the Working Time ~~Hours~~ Act (No. 872/2019). [additional work and overtime, employee consent, maximum working time~~limits to working hours, including overtime~~]

Section 25 of the Working Time ~~Hours~~ Act (No. 872/2019). [daily rest period]

Sections 10 and 34 of the Working Time ~~Hours~~ Act (No. 872/2019). [derogations to the rules on working hours by collective agreements]

Chapter 3 (working hours), sections 4-6 and 8 of the Young Workers' Act (998/1993) [regular working hours, overtime work and emergency work, maximum working hours, periods of rest]

Chapter 2 and 4 of the Seamen's Working Hours Act (296/1976) [regular working hours, overtime and rest periods]

Sections 4 § and 9 a § of the Act on Working Hours on Vessels in Domestic Traffic (248/1982) [regular working hours, maximum amount of overtime in inland waterway traffic]

A worker's statutory regular working hours can be determined both directly on the basis of the law but also according to collective agreements. In these agreements, it is possible to consider special needs for working hours arrangements in the field when regulating working hours. Collective agreements usually contain different solutions in ways permitted by the Working Hours Act, but usually in a way that the duration of the reference periods for averaging out weekly working hours way vary between 26 and 52 weeks and within a limit of 40 hours a week at most. In many collective agreements, the working hours of full-time work are less than 40 hours. [Source: Government report on C47, received in 2013]

Regular working time

The new Working Time Act (872/2019) entered into force on 1 January 2020. As a general rule, regular working time shall not exceed eight hours a day or 40 hours a week. Alternatively, the average weekly working time may total 40 hours over a maximum period of 52 weeks, provided that the regular daily working time does not exceed eight hours.

In types of work expressly provided by law, working time may be arranged in periods. In the new Act, sectors where period-based work is permitted have been more generally defined, and the list has been updated to meet the new needs of working life. The list of sectors where period-based work is allowed is exhaustive, and the nature of work referred to therein requires continuity 24 hours a day, or at least most of the day, seven days a week. Provisions limiting working time in period-based work are identical to those of the old Working Hours Act.

Agreement on regular working time and flexible working hours arrangements (chapter 4)

An employer and an employee may agree to extend daily regular working time by no more than two hours unless otherwise provided by the applicable collective agreement. In this case, the average weekly regular working time may not exceed 40 hours over a period of no more than four months. Regular weekly working hours may not exceed 48. *Section 11 of the new Act permits more latitude for agreement between employer and employee (previously 9 hours/day and 45 hours/week).*

The provision on flexible working hours arrangements largely corresponds to that of the old Working Hours Act, but provides even more flexibility. The employer and the employee agree on the flexible working hours arrangement. When working on flexible hours, the daily regular working time shall be reduced or extended by a flexible working hours period which shall not exceed four hours, instead of the previous three. The adjustment may take place at the beginning or end of the working day, or in the evening after the working day has ended.

In the flexible working hours arrangement (section 12), the weekly regular working time may not exceed 40 hours during a four-month reference period. *At the end of the reference period, the accrued excess may not exceed 60 hours (compared to the previous 40 hours) and deficit may not exceed 20 hours.* The number of accumulated working hours may exceed 60 during the reference period, as long as it decreases to the maximum allowed by the end of the period. To reduce accumulated excess hours, employees can work shorter days or take entire days off. Arrangements may be made under a national collective agreement regarding the four-month adjustment period and the accumulated excess and deficit hours.

In addition, a new provision on flexiwork (section 13) has been added to the Working Time Act. The employer and the employee may deviate from the provisions of a collective agreement concerning duration and placement of regular working time, and agree on a flexiwork arrangement whereby the employee may independently decide on the placement and place of performance of at least half of the working time. A flexiwork arrangement is an option in job roles that are not tied to a specific time of day, day of the week or place of work. The weekly regular working time may not exceed 40 hours during a four-month adjustment period. The employee may occasionally work longer hours and, correspondingly, take longer periods of leave.

Statutory working time account

The Act contains a new provision regarding a working time account. A working time account refers to a system for combining work and private life that allows employees to save and combine working hours, earned time off or monetary benefits exchanged for time off. The employer and the shop steward or, when one has not been elected, the elected representative or other employee representative or the employees or a group of employees collectively may agree in writing on the introduction of a working time account. The accumulated hours saved into the working time account may not exceed 180 hours over the calendar year, nor may the total hours accumulated in the working time account exceed an amount equivalent to six months' working hours.

New provisions on additional work and overtime

In variable working time contracts, the employer is obliged to request the employee's consent to enter hours exceeding the minimum working time in the work schedule. In this case, hours entered in the schedule with the employee's consent are regular working time. If work was offered after the completion of the work schedule, these hours are deemed additional hours until considered overtime. *This provision is new (section 7, subsection 3).*

When working flexible working hours, daily overtime shall consist of work in excess of eight hours per day and weekly overtime of work which is performed on days entered in the work schedule as days of leave and which exceeds 40 hours without being daily overtime. Work performed on the orders of the employer in addition to fixed working hours, due to which the maximum accumulation under section 12, subsection 2 is exceeded at the end of the reference period, shall also constitute overtime. Work performed in addition to regular working time that is not overtime shall constitute additional work. *This provision is new.*

When working flexiwork, daily overtime shall consist of work in excess of eight hours per day and weekly overtime of work that is performed during the weekly rest period agreed in the agreement on flexiwork without such work being daily

overtime. Work performed in addition to regular working time that is not overtime shall constitute additional work. *This provision is entirely new.*

Maximum working time

The new Working Time Act no longer regulates the maximum amount of overtime. Instead, it contains provisions (section 18) regarding the maximum number of employees' total working hours. The working time of an employee, including overtime, may not exceed an average of 48 hours per week over a period of four months. Arrangements may be made under a national collective agreement to extend the period to 12 months.

All hours worked, regardless of whether they are regular working time, additional work, overtime, preparation or completion work, or emergency work, are included in the maximum working time. Total maximum working time include all hours counted as working time.

Other working time legislation

Young Worker's Act (998/1993), Seamen's Working Hours Act (296/1976) and Act on Working Hours on Vessels in Domestic Traffic (248/1982 lay also down provisions on general working hours.

PART II. Weekly Rest

I. Scope of application

Articles 1 and 2(1) of Convention No. 14: Application to the whole staff of industrial undertakings

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please indicate the manner in which the Convention applies to categories of workers excluded from the Working Hours Act (No. 872/2019) other than members of the employer's family.

Section 1 of the Working Hours Act (No. 872/2019). [scope of application of the Act]

Chapter 1, section 1 of the Employment Contracts Act (No. 55/2001). [scope of application of the Act]

Section 2 of the Working Hours Act (No. 872/2019). [exclusions from the scope of application of the Act]

Section 1 of the Act on Working Hours on Vessels In Domestic Traffic (248/1982) [scope of application of the Act]

Section 1 of the Young Workers' Act (998/1993) [scope of application of the Act]

The Working Time Act is generally applicable. Under section 1, the Act applies to work performed under both contractual and public-service employment relationships. However, section 2 of the Act lays down provisions on exceptions to the scope of application. Persons with working time autonomy who are also included in the list provided in section 2 are excluded from the scope of application. Working time autonomy applies to employees whose working hours are not pre-determined or supervised, and who therefore have full autonomy over their working time. The derogation facility is based on Article 17, paragraph 1 of the EU Working Time Directive, which empowers Member States to derogate from some requirements of the Directive when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves. Exceptions to the scope of section 2 of the Working Time Act are interpreted narrowly due to the limitations of the Working Time Directive and to the general principle of working time protection.

The Working Time Act applies to most of the work done in manufacturing undertakings referred to in Article 1 of the Convention. Only a limited class of individuals are excluded from the scope of the Working Time Act, as required by the Working Time Directive.

The Occupational Safety and Health Act applies in employment and public service relationships, which fall within the scope of working time autonomy within the meaning of section 2. Section 10 of the Occupational Safety and Health Act requires the investigation and assessment of the risks of work. Having regard to the nature of the work and operations, an employer shall systematically and adequately analyse and identify the hazards and risk factors caused by such aspects as the work, working hours and working conditions and, if these hazards and risk factors cannot be eliminated, assess their consequences for the safety and health of employees. The assessment must consider such aspects as factors related to workload.

Article 18 of the Working Time Directive enables substantial derogations from the provisions of the Directive by collective agreement. The duties specified in subsection 3 of the said section of the Working Time Act, for which working time protection has been settled under a national collective agreement, are beyond the scope of application of the said Act. This enables working time practices based on collective agreements in these sectors. It is a condition that the collective agreement secures protection of working time for employees that is equivalent to the regulations of the Working Time Act governing maximum working time and minimum rest periods when assessed as a whole. This enables working time arrangements that differ from the regulations of the Act in respect of rest periods, provided that a corresponding standard of employee protection is maintained. The working time of employees falling within the scope of the exceptions laid down in section 2, subsections 3 and 4 of the Working Time Act may not exceed the 48-hour average weekly working time laid down in the Working Time Directive when assessed as a whole. The minimum rest periods prescribed in the Directive must also be guaranteed for employees.

Moreover, under section 2, subsection 2 of the Working Time Act, The provisions of section 24, subsections 1 and 2, and of sections 25–28 of this Act shall not apply to the work of motor vehicle drivers to which EU Driving Time and Test Periods Regulation[4] applies.

Act on Working Hours on Vessels In Domestic Traffic (248/1982) applies to work performed under the Seafarers' Employment Contracts Act (756/2011) on a Finnish vessel used in domestic traffic or, on the employer's instructions, temporarily elsewhere. The Act lays down provisions which are applied to work performed in inland waterway traffic.

Working Time Act (872/2019), translation from Finnish, is available on the following website: https://www.finlex.fi/fi/laki/kaannokset/2019/en20190872.pdf.

Article 3 *of Convention No. 14: Possible exclusion where only family members are employed*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

[4] Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (Driving Time and Rest Periods Regulation).

Section 2, subsection 1, paragraph 3 of the Working Hours Act (No. 872/2019). [exclusions from the scope of application of the Act]

II. Principle of weekly rest (normal weekly rest scheme)

Article 2(1) *of Convention No. 14: Twenty-four consecutive hours of rest every seven days*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 27, first paragraph, of the Working Hours Act (No. 872/2019). [general rules on weekly rest]

Section 12 a § of the Act on Working Hours on Vessels In Domestic Traffic (248/1982) [weekly rest]

Section 8, subsection 4 of the Young Workers' Act (998/1993) [weekly rest]

In accordance with the new Working Time Act, working time shall be organised in such a manner as to give the employee once in every seven days an uninterrupted rest period of at least 35 hours. Weekly rest is no longer linked to a calendar week. Weekly rest may be placed at the beginning of the first work period the next leave at the end of the following seven-day work period. As a result, the maximum gap between weekly rest periods is 12 working days. Similarly to the old Working Hours Act, weekly rest period should preferably be given on a Sunday.

However, the weekly rest period may be organised to average 35 hours over a period of 14 days. In this case, the weekly rest period must consist of at least 24 consecutive hours during each seven-day period. In continuous shift work, the rest period may be organised to average 35 hours over a period of no more than 12 weeks. However, the rest period shall consist of at least 24 consecutive hours in each seven-day period.

Article 2(2) *of Convention No. 14: Uniformity*

Implementing measures

Please indicate what measures have been taken to give effect to this provision of the Convention

Under section 27, paragraph 1 of the Working Time Act (872/2019), if possible, weekly rest period shall be given on a Sunday. However, there are no specific provisions on granting weekly rest period simultaneously to the whole of the staff of each undertaking. The growing transition of work-life and society towards a 24/7 rhythm and, on the other hand, the altered status of Sundays have also tended to encourage arrangements in which the weekly rest period is more frequently granted at other times. On the other hand, such aspects as the centring of school and daycare centre operations on weekdays continues to support a need to locate the weekly rest period on or around Sundays. While the Working Time Directive no longer provides that the weekly rest period should primarily be located on or around Sundays, such an entry remains in the European Social Charter and Finland has accepted that it is bound in respect of this point.

Article 2(3) *of Convention No. 14: Respect of traditions and customs*https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C187 - A2P3

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 27, first paragraph, of the Working Hours Act (No. 872/2019). [As far as possible weekly rest shall be given on Sundays]

III. Exceptions

Article 4(1) *of Convention No. 14: Possible exceptions*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 28, subsection 1, of the Working Hours Act (No. 872/2019). [exceptions to the general rule on (35-hour) weekly rest]

Section 27, subsection 1 and 2 ~~second and third paragraph~~, of the Working Hours Act (No. 872/2019). [~~exceptions to the general rule on (35-hour)~~ weekly rest]

Section 34, subsection 2, paragraph 14 of the Working Hours Act (No. 872/2019). [derogations to the general rules on weekly rest by collective agreements]

Section 34, subsection 2, paragraph 15 of the Working Hours Act (No. 872/2019). [derogations to the statutory exceptions on weekly rest by collective agreements]

In the Working Time Act (872/2019), matters that may be agreed on in a national collective agreement include for example weekly rest period.

Government's reply to Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) on Article 4 of the Convention

The Committee accordingly requests the Government to provide sample copies of collective agreements which permit exceptions to the basic rule of 35 hours of uninterrupted free time each week set out in section 31 of the Working Hours Act, but guarantee in all cases a minimum weekly rest period of 24 consecutive hours, as required under the Convention.

For example, the collective agreement for state civil servants and employees under contract includes the following provision concerning the weekly rest period:

Section 12 (Weekly rest of persons subject to the Working Time Act)

subsection 1

Persons subject to the Working Time Act shall be given a continuous rest period of at least 35 hours on Sundays, or at some other time during the week if this is not possible. The rest period should generally include two consecutive days off, one of which should be a Saturday where possible.

subsection 2

The weekly rest may also be arranged as an average of 35 hours over a 14-day period in work at a public authority and over a maximum of 12 weeks in uninterrupted shift work. The rest period shall nevertheless be at least 24 continuous hours in each seven-day period.

subsection 3

The weekly rest may also be arranged in accordance with subsection 2 in weekly work, provided that there is a functional need for this and the matter is agreed locally between the employer and a shop steward representing the staff or some other representative elected by the staff.

subsection 4

A calendar week shall constitute the seven-day period and two consecutive calendar weeks shall constitute the 14-day period observed when granting the weekly rest period and when compensating for any time spent working during the weekly rest period. A period of seven days other than a calendar week may be observed as an exception to the foregoing at public authorities where there is a need to arrange regular working time on Saturdays or Sundays in official or weekly working time.

IV. Compensatory Rest

***Article 5** of Convention No. 14: Compensatory rest*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 28, subsection 2, of the Working Time~~Hours~~ Act (No. 872/2019). [compensation for work carried out on a weekly rest day]

Sections 17, subsection 7, 20 and 21 of the Working Time~~Hours~~ Act (No. 872/2019). [work carried out on Sunday and compensation]

Pay for additional work or overtime and, according to the new Working Time Act, pay increment for Sunday work, may be exchanged for time off. In addition, the employer and the employee may agree to transfer the time off into the working time account in use at the workplace, or to combine it with the carried-over holiday referred to in the Annual Holidays Act.

If employees work during their weekly rest period, the time spent working is to be compensated to them as soon as possible, but no later than three months from the performance of work by shortening their regular working time by the time corresponding to the missed rest period. With the employee's consent, monetary compensation for such work may also be given, in addition to any overtime and Sunday pay.

Government's reply to Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) on Article 5 of the Convention

The Committee requests the Government to consider suitable steps with a view to ensuring that compensatory rest is granted, as far as possible, when derogations from the ordinary weekly rest scheme are authorized, and that such compensatory rest is given within a reasonably short period of time after performing the work in question.

Section 28 of the Working Time Act (872/2019) lays down provisions on derogations from weekly rest periods.

The provisions of weekly rest period (section 27) may be derogated from when the employer, in order to maintain the continuity of its operations, requires the employee temporarily to work during the employee's rest period or when reasons relating to the technical nature or the organisation of the work do not allow some employees to be fully relieved of work. The employee shall be compensated for time spent working during the weekly rest period as soon as possible and no later than within three months of the performance of the work by reducing the employee's regular working time by an amount of time equivalent to the forfeited rest period. Such work may also be compensated for, with the employee's consent, by paying, in addition to possible remuneration for overtime and Sunday work increments, a separate monetary increment determined according to the basic amount of overtime remuneration referred to in section 23.

The opportunities to derogate with respect to granting the weekly rest period are limited to the circumstances referred to in section 28, subsection 1 of the Working Time Act. Exceptions may be made to granting the weekly rest period in such circumstances as when some employees must work during the weekly rest period of other employees while carrying out temporary maintenance or repairs. On the other hand, no exceptions may be made to granting a weekly rest period in the case of regular maintenance work performed during weekly leave granted on Sundays or at some other time. Exceptions may also be made to granting of a weekly rest period where the technical nature of the work or reasons related to its organisation do not allow some employees to be fully relieved of work. This essentially refers to relatively brief working assignments during a weekly rest period.

Compensation for forfeiting a weekly rest period is generally effected by reducing working time. The basic principle is replacement of a rest period not granted by a rest period corresponding to the work done during the weekly rest period. The maximum duration of a compensatory rest period is nevertheless the time period by which the leave granted fell short of 35 hours. The compensatory rest period should be granted at the earliest opportunity, and no later than within three months of the time of forfeiting the weekly rest period or part thereof. Separate cash compensation may also be paid for work done during a weekly rest period, provided that the employee consents to such payment. Work done during a weekly rest period is usually overtime and may also be Sunday work. The compensation paid for rest periods not granted is then separate cash compensation determined according to the basic element of overtime remuneration referred to in section 23 of the Working Time Act, payable in addition to compensation for overtime and Sunday work.

V.

V. Consultations on exceptions

Article 4 *of Convention No. 14: Consultations on exceptions*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Social partners take part in the legislative process of all labour legislation. Working time legislation is drafted in tripartite working groups. [Source: Government art. 19 report on working time instruments,
received in 2017]

VI. Information to workers

Article 7 *of Convention No. 14: Notification of weekly rest days to workers (posting or roster)*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 30 of the Working Time~~Hours~~ Act (No. 872/2019). [working time roster]

Section 32 of the Working Time ~~Hours~~ Act (No. 872/2019). [working time record]

Chapter 2, section 4 of the Employment Contracts Act (No. 55/2001~~2011~~). [written information on main conditions of employment, including on working hours]

Employment Contracts Act (55/2001) chapter 2, section 4, subsection 2, paragraph 9 has been amended by the Act (377/2018). Information on principal terms of work shall include the working hours to be observed; for variable working hours agreed at the employer's initiative, documentation must also be submitted indicating the circumstances in which and the extent to which the employer will have a need for labour.

PART III: Annual holidays with pay

I. Scope of application

Articles 2(1) and 15 *of Convention No. 132: All employed persons except seafarers* [5]

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 1 of the Annual Holidays Act (No. 162/2005). [scope of application of the Act]

Article 2(2) *and* ***(3)*** *of Convention No. 132: Possible exclusion of limited categories of employed persons*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, in accordance with Article 2(3), please state the position of your law and practice in respect of the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

[7] A collective agreement in the health services sector in force between 1 October 2013 and 31 March 2016.

In its first report on C132, received in 1992, the Government indicated that the legislation on annual holidays then in force did not apply to the employer's family members in business unless there were other non-family members also employed, the employer's family members in agricultural undertakings and the workers paid solely in dividends. Such legislation was subsequently repealed.

Section 2 of the Annual Holidays Act (No. 162/2005). [exclusions from the scope of application of the Act]

Consultation
Social partners take part in the legislative process of all labour legislation. [Source: Government art. 19 report on working time instruments, received in 2017]

Section 2 of the Annual Holidays Act was amended in 2019 as part of the working time legislation reform. Work performed at home and so-called distance work fall within the scope of the new Working Time Act (872/2019). In accordance with the amending Act (875/2019), the Annual Holidays Act is applied also to family carers and home carers.

The Annual Holidays Act (162/2005) applies to all work carried out in the private and public sector as part of an employment relationship or civil-service relationship. However, the Act does not apply to work that, on account of the nature of the employer's operations, is interrupted each year and in which the employees (e.g. teaching staff) are, under a collective agreement, entitled to paid leave that is at least equivalent to the annual holiday provided for in the Annual Holidays Act. Employer's family members are entitled to leave and holiday compensation referred to in sections 8(1) and 16 of the Act, when there are no other employees working for the employer.

The Annual Holidays Act does not apply if the work is not carried out in employment or civil-service relationship. For example, work carried out as part of ordinary leisure-time activities, people performing work under labour administration employment measures.

II. Minimum length of holidays

Article 3 *of Convention No. 132: Specified minimum length*[6]

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 5, subsection 1, of the Annual Holidays Act (No. 162/2005). [earning annual holiday]

Section 8 of the Annual Holidays Act (No. 162/2005). [the employee's right to be given leave]

Section 33 of the Annual Holidays Act (No. 162/2005). [increased leave entitlement for public workers]

[7] A collective agreement in the health services sector in force between 1 October 2013 and 31 March 2016.

III. Proportionate entitlement

Article 4 of Convention No. 132: Based on length of service during the year

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 5, subsection 1 of the Annual Holidays Act (No. 162/2005). [paid annual holiday proportionate entitlement]

Section 6 ~~(2)~~ of the Annual Holidays Act (No. 162/2005). [full holiday credit month]

Section 4, paragraph 1 of the Annual Holidays Act (No. 162/2005). [definition of holiday credit year]

Annual holiday is earned by working during the holiday credit year (1 April to 31 March). [Source: Government report on C132, received in 2008]

The earning of annual leave is calculated according to the holiday credit month, depending on the length of the employment relationship (less or more than one year); either 2 or 2.5 working days of annual holiday are earned for each full credit month before the end of the holiday credit year. [Source: Government report on C132, received in 2008]

IV. Qualifying period of service

Article 5 of Convention No. 132: Length and manner of calculation

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 5, first paragraph, of the Annual Holidays Act (No. 162/2005). [paid annual holiday entitlement]

Section 6 of the Annual Holidays Act (No. 162/2005). [definition of holiday credit month]

Section 7 of the Annual Holidays Act (No. 162/2005). [period equivalent to time at work]

Section 5, subsection 3, of the Annual Holidays Act (No. 162/2005). [periods of absence from work not included in the qualifying period]

The earning of annual leave is calculated according to the holiday credit month, depending on the length of the employment relationship (less or more than one year); either 2 or 2.5 working days of annual holiday are earned for each full credit month before the end of the holiday credit year. [Source: Government report on C132, received in 2008]

In addition to days at work, any period equivalent to time at work is also included in the calculation of a full holiday credit month. The Act (2016/182) amending Annual Holidays Act section 7, subsection 2, paragraph 1, entered into force on 1 April 2016. A total of at most 156 days of maternity and parental leave and correspondingly 156 days of paternity and parental leave per one childbirth or adoption are considered to be the equivalent of days at work. As the family leave reform entered into force on 1 August 2022, the amount of days on pregnancy leave or parental leave equivalent of days at work increased to 160 days (Act 34/2022).

V. Days not counted as annual leave

Article 6(1) *of Convention No. 132: Public and customary holidays*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 5, subsection 1, of the Annual Holidays Act (No. 162/2005). [paid annual holiday entitlement]

Section 4, paragraph 3 of the Annual Holidays Act (No. 162/2005). [definition of working day]

Article 6(2) *of Convention No. 132: Periods of incapacity for work*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 25 of the Annual Holidays Act (No. 162/2005). [incapacity for work at the beginning of and during annual holidays]

Section 7a of the Annual Holidays Act (No. 162/2005). [increased leave entitlement in case of absence from work due to health reasons]

Act (182/2016) amending section 25 of the Annual Holidays Act (162/2005) and its provisions on incapacity for work during annual holidays entered into force on 1 April 2016.

Under section 25, subsection 2 of the amended Annual Holidays Act, if an employee's incapacity for work due to childbirth, illness or accident begins during annual holiday or part of it, the employee has the right, at his or her request, to have the days when he or she has been incapacitated for work included in the annual holiday that exceed six holiday days postponed to a later date. The above mentioned waiting days must not decrease the employee's right to a four-week annual holiday. The full six-day deductible only applies to annual holiday earned by the employee for five weeks or longer. The waiting period provision applies in practice to employees who are entitled to more than four weeks of annual holiday, meaning 24 working days.

Provisions on incapacity for work at beginning of annual holidays were not amended. Under section 25, subsection 1, if an employee, at the start of his or her annual holiday or part of it, is incapacitated because of childbirth, illness or accident, the holiday must, at the request of the employee, be postponed to a later date. The employee also has, at his or her request, the right to have the holiday or part of it postponed if it is known that during his or her holiday the employee has to receive medical treatment or other comparable treatment during which he or she will be incapacitated.

Under subsections 3 and 4 of the section 25, an employee does not, however, have the right to have his or her holiday postponed when he or she has caused the incapacity intentionally or through gross negligence. The request to postpone annual holiday must be made to the employer without delay, and the employee must, at the request of the employer,

present a reliable account of his or her incapacity for work.

In 2019, a new section 7 a on the employees' right to additional leave days supplementing their annual holiday was added in the Annual Holidays Act. Act (346/2019) entered into force on 1 April 2019. The purpose of the amendment was to ensure consistency with the case law of the EU Court of Justice. Under section 7 a, employees are entitled to additional leave if they have earned less than 24 annual leave days because of absence from work due to sickness or medical rehabilitation. However, the entitlement to additional leave will cease after 12 months of uninterrupted absence. Absence is interrupted by days or hours at work in between periods of absence that entitle to a full leave earning month. Meanwhile absence is not interrupted by days or hours at work during which the employee's work is based on an agreement for part-time work. Employees taking additional leave are entitled to a remuneration corresponding to their regular or average wage. The provisions of granting annual leave applies to the granting of additional leave days. Provisions concerning the time at which holiday pay and holiday compensation are paid applies to the remuneration payable for additional leave days.

The amendments safeguarded the minimum requirements concerning the right to four weeks of paid annual holiday, irrespective of absence due to illness, accident or medical rehabilitation, as required by case law arising from the Working Time Directive. The provisions of the Annual Holidays Act concerning incapacity or rehabilitation absences not exceeding 75 working days lead to an outcome that is partly better for the employee than the standard required under the Working Time Directive. The amendments were considered to satisfy the requirements of the ILO Holidays with Pay Convention.

English translation of the Annual Holidays Act (162/2005; amendments up to 346/2019 included) is available on the following website: https://finlex.fi/fi/laki/kaannokset/2005/en20050162.pdf.

VI. Holiday remuneration

Article 7(1) *of Convention No. 132: Normal or average remuneration*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 9 of the Annual Holidays Act (No. 162/2005). [remuneration for annual holiday]

Sections 10- 14 of the Annual Holidays Act (No. 162/2005). [rules on the calculation of the remuneration for annual holiday]

Article 7(2) *of Convention No. 132: Holiday remuneration to be paid in advance; possible exceptions*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 15 of the Annual Holidays Act (No. 162/2005). [date of payment of annual holiday remuneration]

VII. Division of annual leave

Article 8(1) *of Convention No. 132: Division may be authorised*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 20, second paragraph, of the Annual Holidays Act (No. 162/2005). [division of and time of granting annual holiday]

Section 21, first paragraph, of the Annual Holidays Act (No. 162/2005). [agreement on the division of annual holiday]

Article 8(2) *of Convention No. 132: Minimum of two uninterrupted weeks; possible exceptions*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 20, subsection 2, of the Annual Holidays Act (No. 162/2005). [division of and time of granting annual holiday]

Section 21, subsection 1, of the Annual Holidays Act (No. 162/2005). [agreement on the division of annual holiday]

VIII. Postponement of annual leave

Article 9(1) of Convention No. 132: Minimum uninterrupted holidays to be taken within 1 year from the end of the year in respect of which the entitlement has arisen; remainder to be taken within 18 months

Implementing measures

☐ Please check if the information in the box below is up-to-date; if not, please update the text.

Section 20, subsections 2 and 3, of the Annual Holidays Act (No. 162/2005). [division of and time of granting annual holiday]

Section 4, paragraph 2 of the Annual Holidays Act (No. 162/2005). [definition of holiday season]

Article 9(2) and (3) of Convention No. 132: Possible postponement of annual leave beyond these periods

Implementing measures

☐ Please check if the information in the box below is up-to-date; if not, please update the text.

Section 21, subsection 2, of the Annual Holidays Act (No. 162/2005). [agreement on the time of granting annual holiday]

Section 26 of the Annual Holidays Act (No. 162/2005). [time of annual holiday postponed because of incapacity for work]

Section 27 of the Annual Holidays Act (No. 162/2005). [carrying over annual holiday]

Section 22 of the Annual Holidays Act (No. 162/2005). [consultation on the time of granting annual holidays]

Social partners take part in the legislative process of all labour legislation. [Source: Government art. 19 report on working time instruments, received in 2017]

The Act (346/2019) amending section 26 of the Annual Holidays Act entered into force on 1 April 2019. Under section 26, a summer holiday postponed because of incapacity for work (in accordance with section 25) must be granted during the holiday season, and winter holiday before the start of the following holiday season. If such granting of holiday is not possible, holiday must be granted during the holiday period in the calendar year following the original holiday period, but no later than by the end of that calendar year. If, because of a continuing incapacity for work, the granting of the holiday is not possible in the manner referred to above either, the holiday not granted is replaced with holiday compensation referred to in section 17. The employer must give notification of the timing of the postponed holiday no later than two weeks, or if this is not possible, one week, before the start of the holiday.

IX. Time at which the holiday is to be taken

Article 10 *of Convention No. 132: Determination*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 20, subsection 1, of the Annual Holidays Act (No. 162/2005). [time of granting annual holiday determined by the employer]

Section 21, ~~second paragraph~~, of the Annual Holidays Act (No. 162/2005). [agreement on the time of granting annual holiday]

Consultation

Section 22 of the Annual Holidays Act (No. 162/2005). [consultation on the time of granting annual holidays]

X. Holiday upon termination of employment

Article 11 *of Convention No. 132: Holiday, compensation, or holiday credit*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 17 of the Annual Holidays Act (No. 162/2005). [holiday compensation at the end of the end of an employment relationship]

Section 18 of the Annual Holidays Act (No. 162/2005). [agreement on transferring annual holiday benefits to a new employment relationship]

Section 21, subsection 3, of the Annual Holidays Act (No. 162/2005). [agreement on granting annual holiday before the end of an employment relationship]

XI. Effective annual leave

Article 12 *of Convention No. 132: Prohibition of agreements to relinquish or forgo annual leave*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please provide information on collective agreements containing specific regulations on annual holidays with pay, particularly as regards the provisions referred to in Articles 3 to 11 of the Convention.

Section 3 of the Annual Holidays Act (No. 162/2005). [binding nature of the provisions of the Act]

Section 26 of the Annual Holidays Act (No. 162/2005). [time of annual holiday postponed because of incapacity for work]

Section 30 of the Annual Holidays Act (No. 162/2005). [derogation of the provisions of the Act by collective agreements]

Please see the answer to question number VIII on the amendment of section 26 of the Annual Holidays Act.

For example, collective agreement between Technology Industry Employers of Finland and Industrial Union contains regulations (paragraphs 21.2-21.4) on annual holidays with pay.

Government's reply to Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

Article 12 of the Convention. Committee accordingly requests the Government to take the necessary measures to ensure that monetary compensation may be offered in lieu of annual leave only in the case of any unused leave upon termination of employment.

The Act (346/2019) amending section 26 of the Annual Holidays Act entered into force on 1 April 2019. Under section 26 of the Annual Holidays Act, a summer holiday postponed because of incapacity for work must be granted during the holiday season, and winter holiday before the start of the following holiday season. If such granting of holiday is not possible, holiday must be granted during the holiday period in the calendar year following the original holiday period, but no later than by the end of that calendar year. If, because of a continuing incapacity for work, the granting of the holiday is not possible in the manner referred to above either, the holiday not granted is replaced with holiday compensation referred to in section 17. The employer must give notification of the timing of the postponed holiday no later than two weeks, or if this is not possible, one week, before the start of the holiday.

The amendment prolonged the period over which annual holiday postponed due to incapacity for work may be granted. Holidays may still be granted during the holiday period of the calendar year that follows the holiday period, but by no later than by the end of the said calendar year. The holiday must be granted primarily during the holiday period. This also applies to additional leave days under section 7a of the Annual Holidays Act.

The amendment was based on the case law of the Court of Justice of the European Union (judgements C-214/10, Schulte and C-337/10, Neidel). Under this case-law, the period set aside for postponing annual holiday must clearly exceed the duration of the holiday year for which it was granted. The Court of Justice did not approve a system whereby the right to holiday was lost nine months after the end of the holiday year (C-337/10). A system whereby the right to holiday was lost 15 months after the end of the holiday year was instead acceptable (C-214/10). It may be concluded from the case law of the Court of Justice of the European Union that the opportunity to postpone holiday must last for longer than 12 months when the holiday year is 12 months. However, it is important to note that in Finland, accrual of annual holiday differs from several other EU member states. Employees earn days of holiday by working during the holiday credit year (1 April - 31 March) and the annual holiday is in principle granted in the following holiday credit year. The Annual Holidays Act does not contain concept of holiday year referred to in the judgments of the CJEU.

Holiday compensation will be paid for holidays not granted due to a continuation of incapacity for work beyond the end of the period set aside for postponement. The provision is needed in situations of extended incapacity to work. In practice, when the previous legislation was in force, employers in these situations placed the part of the holiday that was not granted on top of sick leave and paid annual holiday pay for the time. The provision means that if an employee would continue to have the right to pay for the time of illness, he or she would also be paid a compensation equivalent to the unused annual holiday. Replacing annual holiday not granted with holiday compensation in the event of prolonged incapacity for work has been considered a more advantageous option for the employee. Under Article 7, paragraph 2 of the Working Time Directive, annual holiday should not be replaced by holiday compensation while employment continues. The Court of Justice of the European Union has nevertheless considered it permissible for an employee's right to annual holiday to lapse after a period set aside for postponement that is considered reasonable (C-214/10). Replacement of

earned holiday with holiday compensation is regarded as possible after exceeding the time limit for postponing holiday that is required under the Working Time Directive. The compensation payable for additional days off not granted is determined on the basis of section 7a, subsection 2 of the Annual Holidays Act.

Even in circumstances of prolonged incapacity, the employer and the employee may nevertheless agree that no holiday compensation will be paid, and that the holiday will instead be taken at a later time after the employee returns to work. The conditions for agreeing the time of granting annual holiday are laid down in section 21 of the Annual Holidays Act. In addition, the employer and the employee may agree on carrying over of holiday in accordance with section 27 of the Annual Holidays Act.

Article 13 of Convention No. 132: Special rules may be laid down when workers engage in gainful activities during the holiday

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 38 of the Annual Holidays Act (162/2005) [Penal provisions]

Under section 38 of the Annual Holidays Act, an employer or an employer's representative who deliberately or through carelessness:
1) neglects to grant an employee annual holiday as laid down in this Act or keeps an employee at work during the period it has determined as annual holiday,
2) neglects to give, without delay, the holiday pay statement laid down in section 28, after being requested by the employee, or
3) neglects its obligation laid down in section 35 concerning the availability of the Act and agreements, shall be fined for an annual holiday offence.
The allocation of liability between the employer and its representatives shall be determined in accordance with the grounds laid down in Chapter 47, section 7 of the Criminal Code (39/1889).

Provisions on punishment for neglect or abuse concerning annual holiday records referred to in section 29 of the Annual Holidays Act and for an annual holiday offence that has been committed in spite of a request, order or prohibition by occupational safety and health authorities are contained in Chapter 47, section 2 of the Criminal Code.

XII. Enforcement

Article 14 of Convention No. 132: Effective measures to ensure proper application and enforcement (adequate inspection or otherwise)

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Section 37 of the Annual Holidays Act (No. 162/2005). [supervision of compliance with the Act]

Section 38 of the Annual Holidays Act (No. 162/2005). [penalties]

PART IV: Part-time work

I. Scope of application

***Articles 1* and *3(1)* of Convention No. 175: Part-time workers covered**

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please provide information on collective agreements containing definitions of part-time work.

Chapter 1, section 1 of the Employment Contracts Act (No. 55/2001~~2011~~). [scope of application of the Act]

Section 1 of the Working Time ~~Hours~~ Act (No. 872/2019). [scope of application of the Act]

Section 1 of the Annual Holidays Act (No. 162/2005). [scope of application of the Act]

Part-time work is not defined in the legislation. As a general rule, work that is performed for less than 40 hours a week is part-time work. However, there may be more specific definitions of part-time work in collective agreements. [Source: Government art. 19 report on working time instruments, received in 2017]

Part time is sometimes defined for specific purposes in certain legislation (e.g. the Unemployment Security Act (No. 1290/2002) - see Part I, chapter 1, section 5, 5)). ~~The Statistical Services considers a part-time worker to be one who works less than 30 hours per week.~~ [Source: Government report on C175, received in 2001]

Statistics Finland classifies as part-time workers employees or self-employed persons who report they work part-time in their main job. The definition is not based on any hour limits, but on the respondent's own idea of the work being part-time.

***Article 3* of Convention No. 175: Whole or partial exclusions after consulting representative organizations of employers and workers concerned; and reasons for exclusions**

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please indicate whether the Convention applies to categories of workers excluded from the Employment Contracts Act (No. 55/2001), the Working Hours Act (No. 872/2019) and the Annual Holidays Act (No. 162/2005); where applicable, please specify the reasons for the exclusions adopted.

Chapter 1, section 2 of the Employment Contracts Act (No. 55/2001~~2011~~). [exclusions]

Section 2 of the Working Time ~~Hours~~ Act (No. 872/2019). [exclusions]

Section 2 of the Annual Holidays Act (No. 162/2005). [exclusions]

Consultation
Social partners take part in the legislative process of all labour legislation. [Source: Government art. 19 report on working time instruments, received in 2017]

The Convention does not apply to categories of workers excluded from the Employment Contracts Act (55/2001), State Civil Servants Act (750/1994), Municipal Civil Servants Act (No. 304 of 2003), the Working Time Act (872/2019) and the Annual Holidays Act (162/2005).

II. Specific measures of protection for part-time workers

Article 4(a) *of Convention No. 175: Same protection as comparable full-time workers in respect of the right to organize, right to bargain collectively, and right to act as workers' representatives*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

The Employment Contracts Act (No. 55/2001) applies to both full time and part-time employees. [Source: Government report on C175, received in 2003]

Chapter 13, section 1 of the Employment Contracts Act (No. 55/2001). [freedom of association]

Chapter 13, sections 3 and 4 of the Employment Contracts Act (No. 55/2001). [workers representation]

Section 5 of the Act on Cooperation (No. 1333/2021). [workers representation]

Article 4(b) *of Convention No. 175: Same protection as comparable full-time workers in respect of occupational safety and health*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

From the point of view of the application of the OSH Act, it is not significant whether a person works full time or part-time. [Source: Government report on C175, received in 2003]

Section 1 of the OSH Act. [objectives of the Act]

Sections 2 to 7 of the OSH Act. [scope of application of the Act]

Article 4(c) *of Convention No. 175: Same protection as comparable full-time workers in respect of discrimination in employment and occupation*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Chapter 2, section 2 of the Employment Contracts Act (No. 55/2001). [equal treatment and non-discrimination]

Finland is also bound by the EU directive on part-time workers (Council Directive 97/81/EC) under which in respect of employment conditions, part-time workers shall not be treated in a less favourable manner than comparable full-time workers solely because they work part time unless different treatment is justified on objective grounds. [Source: Government art. 19 report on working time instruments, received in 2017]

Section 7 of the Act on Equality between Women and Men (609/1986) [prohibition of discrimination]

Section 8 of the Non-Discrimination Act (1325/2014) [prohibition of discrimination]

Chapter 47, section 3 of the Criminal Code of Finland (39/1889) [discrimination in employment]

Article 5 *of Convention No. 175: Fair calculation of basic wage of part-time workers*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

The wage that is to be paid in an employment relationship is defined according to the relevant employment contract and collective agreement. [Source: Government report on C175, received in 2003]

Chapter 2, section 10 of the Employment Contracts Act (No. 55/2001). [minimum wage in the absence of a collective agreement]

Chapter 2, section 7 of the Employment Contracts Act (No. 55/2001) and section 6 of the Collective Agreements Act (No. 436/1946). [conflicts between employments contracts and collective agreements]

Article 6 of Convention No. 175: Statutory social security schemes

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Under the pension, health insurance and accident insurance schemes, part-time and full-time workers are treated in the same way, the only difference being the amount of pension benefits and loss-of-earnings allowance or compensation which are calculated on the basis of the level of income and/or years of work. In respect of unemployment benefits, part-time workers are subject in principle to the same conditions for receipt of unemployment allowance as those who worked full-time provided that they are seeking full-time work. [Source: Government report on C175, received in 2001]

Part I, chapter 1, section 1 of the Health Insurance Act (No. 1224/2004). [purpose of the Act]

Part III of the Health Insurance Act (No. 1224/2004). [daily allowance benefits]

Section 1 of the Employees' Pension Act. [purpose of the Act]

Part II, Chapters 3 and 4 of the Employees' Pension Act. [pension benefits]

Section 1 of the Workers Compensation Act (No. 459/2015). [purpose of the Act]

Part III of the Workers Compensation Act (No. 459/2015). [benefits granted]

Part I, chapter 1, sections 1 and 2 of the Unemployment Security Act (No. 1290/2002). [purpose of the Act and benefits]

Part II of the Unemployment Security Act (No. 1290/2002). [unemployment allowance]

Article 7(a) of Convention No. 175: Conditions equivalent to those of comparable full-time workers in respect of maternity protection

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Chapter 4, section 1 of the Employment Contracts Act (No. 55/2001). [maternity benefits]

Part III, chapter 9, sections 1 to 4 and 9, of the Health Insurance Act (No. 1224/2004) [maternity allowances]

Chapter 7, section 9 of the Employment Contracts Act (No. 55/2001). [protection against dismissal of a pregnant worker or a worker on family leave]

Chapter 2, section 3 of the Employment Contracts Act (No. 55/2001). [OSH protective measures for pregnant workers and the unborn child]

Section 11, second paragraph, of the OSH Act. [protective measures for pregnant workers and the unborn child]

Family leave reform and the amendments to the Employment Contracts Act (55/2001) and the Health Insurance Act (1224/2004) were approved in January 2022 and entered on 1 August 2022. The number of parental leave days increases and there is more flexibility for parents to take leave. The reform aims to increase equality in working life and between parents and to take better account of different types of families. The new types of parental leave apply mainly to families

where the child's estimated date of birth is 4 September 2022 or later. Part time workers will receive conditions equivalent to those of comparable full time workers in maternity protection and protection against dismissal of a pregnant worker or a worker on family leave.

Article 7(b) *of Convention No. 175: Conditions equivalent to those of comparable full-time workers in respect of termination of employment*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

The Employment Contracts Act (No. 55/2001) regulations concerning the termination of an employment relationship apply to both full time and part-time employees. [Source: Government report on C175, received in 2008]

Chapters 6 to 9 of the Employment Contracts Act (No. 55/2001). [provisions on termination of employment]

The Act (377/2018) amending chapter 6 of the Employment Contracts Act (55/2001) entered into force on 1 June 2018. Under new section 4a (*notice-period pay when observing variable working hours*) of the Act (55/2001), if variable working hours have been agreed in the employment contract and the amount of work offered by the employer during the notice period is less than the average amount of work during the 12 weeks immediately prior to the last work shift, the employer must compensate the employee for the loss of income arising from this shortfall. The liability to compensate does not apply if the employment relationship had lasted less than one month before notice was given. The notice-period pay is determined in a corresponding manner also when fixed working hours have been agreed and the amount of extra work during the six months immediately prior to the notice being given has, on average, exceeded the agreed amount by at least a factor of four.

Article 7(c) *of Convention No. 175: Conditions equivalent to those of comparable full-time workers in respect of paid annual leave and paid public holidays*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please indicate what measures have been taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the field of paid public holidays; please specify how pecuniary entitlements are determined.

Under the Annual Holidays Act (No. 162/2005), part-time workers are also entitled to paid holidays in accordance with the same principles as applicable to full-time employees. [Source: Government report on C175, received in 2008]

Chapter 2, section 2, subsection 2 of the Employment Contracts Act (55/2001)
Section 3 of the Act on the Celebration of Independence Day as a National Festival and Public Holiday (388/1937)

Independence Day is Finland's only statutory paid public holiday. Section 3 of the Act on the Celebration of Independence Day as a National Festival and Public Holiday (388/1937) provides that wages corresponding to a full working day must be paid to an employee for Independence Day if this day would otherwise have been a working day, irrespective of any interruption of work. It is nevertheless a condition of receiving pay for work done on daily, hourly or piecework wages that the employee has been continuously in the employer's service for at least the six working days immediately preceding Independence Day. An employer may nevertheless be obliged under collective agreement provisions to pay ordinary weekday compensation for Independence Day to an hourly paid employee who is not legally entitled to Independence Day wages.

Remuneration for other public holidays is determined in accordance with the applicable collective agreements. Most collective agreements entitle the employee to compensation for earnings lost due to a working week that has been shortening due to a weekday public holiday. There is no obligation to pay wages for public holidays other than Independence Day if there is no applicable collective agreement in the sector. The employer and the employee may nevertheless agree on compensation for weekday public holidays.

Under chapter 2, section 2 of the Employment Contracts Act without proper and justified reason less favourable employment terms than those applicable to other employment relationships must not be applied to fixed-term and part-time employment relationships merely because of the duration of the employment contract or working hours.

Article 7(d) *of Convention No. 175: Conditions equivalent to those of comparable full-time workers in respect of sick leave*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Provisions on sick leave apply to all full-time and part-time employment relationships. [Source: Government report on C175, received in 2003]

Chapter 2, section 11, and Chapter 13, section 7, 4) of the Employment Contracts Act (No. 55/2001). [sick leave]

Part III, chapter 8 of the Health Insurance Act (No. 1224/2004). [sickness allowance]

In 2018, the Employment Contracts Act Chapter 1, was added a new section 11 on variable working hours clause. Subsection 2 contains provisions on pay during illness in variable working hours employment contracts. In observing variable working hours, the entitlement to pay during illness arises if the period of incapacity for work includes a work shift that has been entered in the shift schedule, if such has been otherwise agreed or if, in view of the circumstances, it can otherwise be considered clear that the employee would have been at work if he or she had been fit for work. Pay during illness is determined in a corresponding manner also when fixed working hours have been agreed and the amount of extra work during the six months immediately prior to the start of the illness has, on average, exceeded the agreed amount by at least a factor of four. The Act (377/2018) entered into force on 1 June 2018.

Article 8(1), (2) and (3) *of Convention No. 175: Exclusions of part-time workers subject to specified thresholds and reasons therefor*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please indicate whether: i) other social security schemes (e.g. those which may apply to special categories of workers) provide for thresholds below which part-time workers may be excluded from such schemes; and ii) recourse has been had to the provisions of Article 8(1)(b) of the Convention.

Under the pension, health insurance and accident insurance schemes, part-time and full-time workers are treated in the same way, the only difference being the amount of pension benefits and loss-of-earnings allowance or compensation which are calculated on the basis of the level of income and/or years of work. In respect of unemployment benefits, part-time workers are subject in principle to the same conditions for receipt of unemployment allowance as those who worked full-time provided that they are seeking full-time work. [Source: Government report on C175, received in 2001]

Section 4, second paragraph, 1) of the Employees' Pension Act. [minimum income to accrue pension benefits]

Part III, chapter 7, section 1, of the Health Insurance Act (No. 1224/2004). [minimum income be entitled to sickness benefit]

Section 3 of the Workers Compensation Act (No. 459/2015). [minimum income to be insured by the employer]

Referring to the questions i and ii, there are no specific social security schemes and thresholds for different categories of workers (e.g. part-time workers).

Article 8(3) *of Convention No. 175: Periodic review of thresholds and consideration given to progressive extension of protection of workers excluded*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please indicate what measures have been taken for the periodic review of thresholds other than those provided for in the Employees' Pension Act.

Section 96 of Employees Pension Act (No. 395/2006). [annual review of thresholds laid down in the Act]

All the measures for periodic review of thresholds are laid down in the Employees' Pension Act.

Article 8(4) *of Convention No. 175: Consultations on establishment, review and revision of thresholds*

Implementing measures

☒ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please indicate what measures have been taken to consult workers' and employers' organizations on the establishment, review and revision of thresholds other than those provided for in the Employees' Pension Act.

The threshold in the pension system is provided for in legislation which is produced in cooperation with the employers' and workers' organizations. [Source: Government report on C175, received in 2008]

Article 9 *of Convention No. 175: Measures to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please provide up-to-date information on additional measures that have been taken to give effect to this Article of the Convention.

Chapter 2, section 6, 2) of the Public Employment Service Act (No. 1295/2002). [organisation of job-search interviews for part-time workers]

Section 11, 2) of the Act on Cooperation (No. 1333/2021). [employer's obligation to provide workers' representatives with information on part-time workers]

See also below under Article 10 of the Convention on voluntary transfer from full-time to part-time work or from part-time to full-time.

Under chapter 2, section 6, paragraph 2, the Employment and Economic Development Office arranges a jobseeking discussion for jobseekers who are unemployed and at risk of unemployment, and for other part-time employees or those who have been laid off by shortening of working time, whenever three months have elapsed since the initial interview or the previous jobseeking discussion. Amendment entered into force on 2 May 2022.

Increasing the employment rate of persons aged 55 and over and part-time work

The reform strengthens the right to reduced working time of persons aged over 55 years who have worked for the same employer for at least three years. This applies also to circumstances in which an employee is taking part-time sick

leave, early old-age pension or partial disability pension. If an employee submits a request to the employer to convert to part-time work, then the employer should primarily seek to arrange the work in a way that enables such conversion. An employee does nevertheless not have a directly enforceable right to reduced working time. The aim is to support longer working careers. The amendments enter into force on 1 January 2023.

Please also see the answer to Direct Request (2013).

Article 10 *of Convention No. 175: Voluntary transfer from full-time to part-time work or from part-time to full-time*

Implementing measures

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Under an agreement, the employer and the worker can always change the terms of an employment relationship as far as working time is concerned. This type of agreement is voluntary. [Source: Government report on C175, received in 2003]

Section 15 of the Working Time Act (No. 872/2019). [part-time work in specific circumstances]

Chapter 1, section 11 of the Employment Contracts Act (55/2001) [variable working hours clause]

Chapter 2, section 5, and Chapter 13, section 6 of the Employment Contracts Act (No. 55/2001~~2011~~). [employer's obligation to offer work to part-time workers]

Chapter 2, section 6 of the Employment Contracts Act (No. 55/2001). [employer's obligation to announce vacant positions]

Chapter 2, section 11a of the Employment Contracts Act (No. 55/2001). [partial sick leave]

Chapter 4, section 2 of the Employment Contracts Act (No. 55/2001). [part-time work during maternity or parental allowance period]

Chapter 4, sections 4 and 5 of the Employment Contracts Act (No. 55/2001). [partial child-care leave]

Chapter 4, section 9 of the Employment Contracts Act (No. 55/2001). [return to work at the end of family leave]

Chapter 7, section 11 of the Employment Contracts Act (No. 55/2001). [part-time work as an alternative to termination of employment]

Sections 16, 17, 19, 20, 23 and 25 of the Act on Co-operation within Undertakings (1333/2021) [change negotiations, shifting to part-time work]

The new Act on Co-operation within Undertakings (1333/2021) entered into force on 1 January 2022. Chapter 3 of the Act lays down provisions on change negotiations. Change negotiations are joint activities between the employer and the personnel, the aim of which is to ensure the employees' possibilities of influencing their working conditions. An employer who employs regularly at least 20 employees is subject to a statutory obligation to negotiate, if the organisation is about to experience inter alia actions that may lead to chancing one or more employees' full-time work into part-time work on economic or production-related grounds.

Before starting the change negotiations, an employer must submit a written proposal for the negotiations, which must include at least the date and location of the negotiations and a proposal on the issues to be discussed. The negotiations shall address the rationale, impact, and options of measures directed at personnel. In the change negotiations, the parties must act constructively and negotiate in a spirit of cooperation in order to reach consensus. The change negotiations involve fixed time periods. Violating these can incur compensation payments or fines.

In 2018, the Employment Contracts Act (55/2001) was added new provisions on variable working hours clause. The amendment came into force on 1 June 2018. Under the Employment Contacts Act, chapter 1, section 11 variable working hours clause means a working hours arrangement in which the employee's working hours, as a specified period, vary between a minimum and maximum amount under the employment contract, or a working hours arrangement in which the employee undertakes to perform work for the employer when separately asked to do so.

Agreement on variable working hours may not be made at the employer's initiative if the employer's labour need to which the agreement relates is fixed.

Any agreement that the minimum working hours included in a variable working hours clause will be fewer than required by the employer's labour need may not be made at the employer's initiative. If the actual working hours over the preceding six months demonstrate that the agreed minimum working hours do not correspond to the employer's actual need for labour, the employer must, at the employee's request, negotiate an amendment to the working hours clause to correspond to the actual need. The negotiations must be undertaken within a reasonable time and the employee has the right to use an assistant in the negotiations. If no agreement is reached on new minimum working hours, the employer must present in writing relevant grounds justifying how the valid working hours clause still corresponds to the employer's labour need.

The provisions are applied to zero hours contracts and other contracts where working hours are flexible instead of fixed (e.g. 0–40 hours per week or 10–30 hours per week) and moreover to employees who work on demand. The primary aim of the amendment was to prevent employers from circumventing the employment protection rules by using variable hours contracts.

Government's reply to Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) on Articles 9 and 10 of the Convention

The Committee requests the Government to continue to supply information on the evolving patterns of part time employment, in particular any measures or initiatives designed to improve job opportunities for those trapped in involuntary part-time work.

Employer's obligation to offer work to a part-time employee

Under chapter 2, section 5 of the Employment Contracts Act, the employer is obliged to offer work to a part-time employee. If the employer requires more employees for duties suitable for employees who are already doing part-time work for the employer, the employer shall offer such employment to these part-time employees, regardless of chapter 6, section 6. If accepting the work referred to in subsection 1 calls for training that the employer can reasonably provide in view of the aptitude of the employee, the employer shall provide the employee with such training.

Under chapter 2, section 6 of the Act, the employer shall provide information on vacancies in accordance with practice generally adopted in the enterprise or at the workplace in order to ensure that part-time and fixed-term employees have the same opportunity of applying for these jobs as permanent or full-time employees. Observing similar practice, the user enterprise shall also inform its hired workers (temporary agency workers) of vacancies that arise. As of August 1 2022, employers must also provide a written and reasoned reply to a fixed-term or part-time employee's request concerning the possibility of extending the regular working hours agreed in their employment contract or of extending the duration of their employment contract.

Nordic labour market service model's effect on part-time workers

The Nordic labour market service model entered into force on 2 May 2022. In the Nordic labour market service model, jobseekers apply for work on their own initiative and receive support for the process from the specialists. An initial interview is organised for jobseekers working part-time (working hours at least four hours a week), followed by a job search discussion every three months. The complementary job search discussions following the initial interview may be organised at the jobseeker's request. In such a case, the number of supplementary job search discussions may be lower and they may be organised less frequently than every two weeks.

The employment plan of a jobseeker in part-time employment that lasts at least two weeks must include a three-month review period during which the jobseeker must apply for one job opportunity. The jobseeker can meet the obligation to apply for a job opportunity by asking their employer for more work.

Chapter 2, section 1 of the Unemployment Security Act imposes the condition that a jobseeker must be seeking full-time employment in order to qualify for unemployment benefit. If the part-time job lasts less than two weeks, the jobseeker must, as a rule, apply for four job opportunities in a month. In this context, part-time work is considered work in which the regular working time does not exceed 80 per cent of the maximum working time of a full-time employee.

Variable hours contracts

Government aims to improve position of persons on variable hours contracts and introduce more predictable terms of employment. Amendments to the Employment Contracts Act and the Working Hours Act are entered into force on 1 August 2022.The amendments drive the achievement of the Government Programme objective of more stable working hours in variable hours contracts. In addition, the amendments necessitated by the directive on transparent and predictable working conditions in the EU, such as predictable terms of employment, were implemented.

According to the amendments, employers should review their working hours conditions use against their need of labour at least every 12 months. An employee should be offered a higher number of working hours if the number of actual working hours and the employer's need for labour during the review period indicate that the employee's minimum working hours could be set higher. In addition, employers should give a well-grounded response in writing to an employee working on fixed-term or part-time basis requesting the possibility of extending the regular working hours or the contract duration laid down in the employment contract. Amended acts lay down also other provisions that are aimed to improve transparency and predictability of terms of employment and position of employees who are working variable hours.

Implementation of the provisions of the Convention

Article 11 *of Convention No. 175: Consultations regarding laws or regulations with the most representative organisations of employers and workers*

☐ *Please check if the information in the box below is up-to-date; if not, please update the text.*

Moreover, please provide information on collective agreements containing specific regulations on part-time work, particularly as regards the protection referred to in Articles 4 to 7 of the Convention.

Social partners take part in the legislative process of all labour legislation. [Source: Government art. 19 report on working time instruments, received in 2017]

~~Chapter 13, section 7 of the Employment Contracts Act (No. 55/2001). [derogation of the provisions of the Act by collective agreements]. E.g., see section 7, 3).~~

~~Sections 10 and 34 of the Working Hours Act (No. 872/2019). [derogation of the provisions of the Act by collective agreements]. E.g., see section 34, 4) of this Act.~~

~~Section 30 of the Annual Holidays Act (No. 162/2005). [derogation of the provisions of the Act by collective agreements]~~

PART V: Application of the Conventions Nos. 47, 14, 132 y 175 in practice

In so far as it has not already been supplied in reply to other questions, please provide information on the practical application of the Conventions concerned (for example, copies or extracts from official documents including inspection reports, studies and inquiries, statistics); please also state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Conventions concerned. If so, please supply the text of these decisions.

Forty-Hour Week Convention, 1935 (No. 47)

Case-law

Judgement of the Supreme Court 2022:45

The regular working time of an employee was agreed as 37.5 hours per week in a contract of employment. Under a collective agreement provision based on the Competitiveness Pact, the employee and employer parties agree locally on how to implement the 24-hour annual increase in working hours at each workplace. An employer company had concluded a local agreement in accordance with the collective agreement whereby one half hour was added to weekly working time.

The Supreme Court held that it was possible to agree such an impairment of the working time condition in an individual employment contract by collective agreement.

Judgement of the Labour Court 2019:91 (19 September 2019)

The time for departure readiness and the nature of the duties required during the standby period of an ambulance driver had not factually enabled residence elsewhere than within the living area reserved for standby employees or in the immediate vicinity thereof. An ambulance driver was held to have been factually tied to work while on standby in the same way as when performing duties proper, and the time deemed by the employer as a standby period accordingly had to be counted as working time. A question also arose as to whether the claims had lapsed. (Majority judgement on lapsing of claims)

Holidays with Pay Convention (Revised), 1970 (No. 132)

Case-law

Judgment of the Court (Grand Chamber) of 19 November 2019.
Terveys- ja sosiaalialan neuvottelujärjestö (TSN) ry v Hyvinvointialan liitto ry and
Auto- ja Kuljetusalan Työntekijäliitto AKT ry v Satamaoperaattorit ry.
In Joined Cases C-609/17 and C-610/17

The Court (Grand Chamber) ruled that:

1. Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning
   certain aspects of the organisation of working time must be interpreted as not precluding national rules or collective agreements which provide for the granting of days of paid annual leave which exceed the minimum period of
   4 weeks laid down in that provision, and yet exclude the carrying over of those days of leave on the grounds of illness.
2. Article 31(2) of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 51(1) thereof,

must be interpreted as meaning that it is not intended to apply where such national rules or collective agreements exist.

Judgement of the Labour Court 2020:61 (30 June 2020)

By decision Nos 147 and 148 issued on 18 October 2017, the Labour Court had referred to the Court of Justice of the European Union for a preliminary ruling. By a judgement in joined cases C-609/17 and C-610/17 issued on 19 November 2019, the Court of Justice had issued a ruling, on which basis the Labour Court found that section 25, subsection 1 of the Annual Holidays Act (276/2013), applied as part of certain a certain collective agreement[7], and had not been contrary to Article 7, paragraph 1 of the Working Time Directive, and that it had not been possible to apply Article 31, paragraph 2 of the European Social Charter in the circumstances at hand. It had accordingly been possible for the collective agreement to stipulate, in accordance with the said provision of the Annual Holidays Act, that an employee who had been incapacitated for work at the beginning of all or part of the annual holiday had not been entitled to a postponement of annual holiday based on the collective agreement allocated to such a period despite so requesting. The declarative action was dismissed.

Judgement of the Labour Court 2020:62 (30 June 2020)

By decision No 148 issued on 18 October 2017, the Labour Court had referred to the Court of Justice of the European Union for a preliminary ruling. By a judgement in joined cases C-609/17 and C-610/17 issued on 19 November 2019, the Court of Justice had issued a ruling, on which basis the Labour Court found that section 25, subsection 2 of the Annual Holidays Act (182/2016), applied as part of a certain collective agreement[8], had not been contrary to Article 7, paragraph 1 of the Working Time Directive, and that it had not been possible to apply Article 31, paragraph 2 of the European Social Charter in the circumstances at hand. It had accordingly been possible for the collective agreement in the stevedoring sector to stipulate, in accordance with the said provision of the Annual Holidays Act, that an employee whose incapacity for work due to illness had begun during the annual holiday or part thereof had not been entitled to a postponement of the first six incapacitated days of holiday included in the annual holiday, despite so requesting, when these waiting days had not reduced the employee's entitlement to four weeks of annual holiday. The declarative action and claims for specific performance were dismissed.

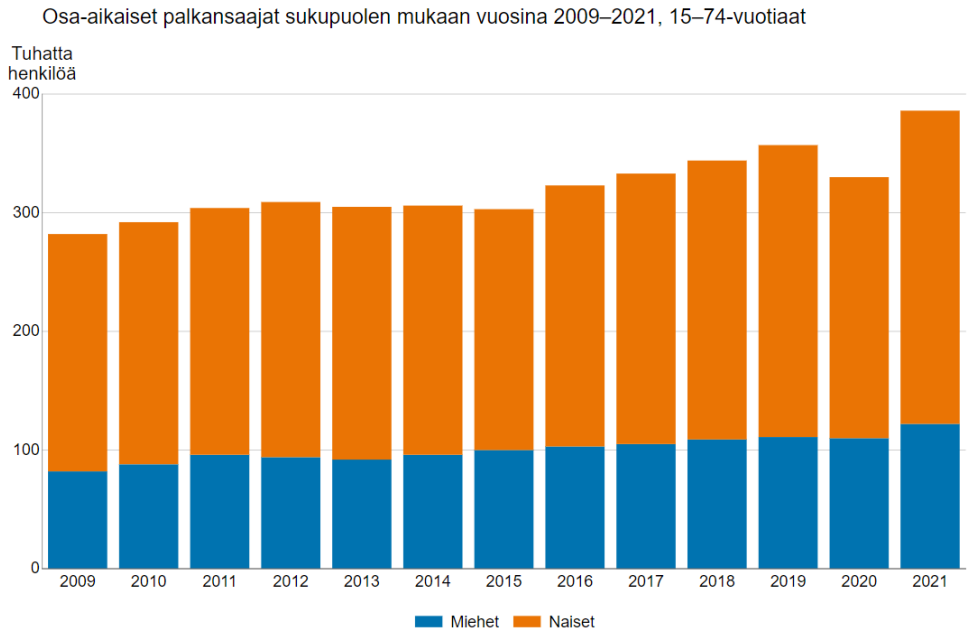
Judgement of the Labour Court 2017:53, 27 March 2017

Public servants and employees receiving percentage-based annual holiday pay were not entitled by collective agreement to salary for weekday public holidays falling within the annual holiday period. The action was dismissed.

Part-Time Work Convention, 1994 (No. 175)

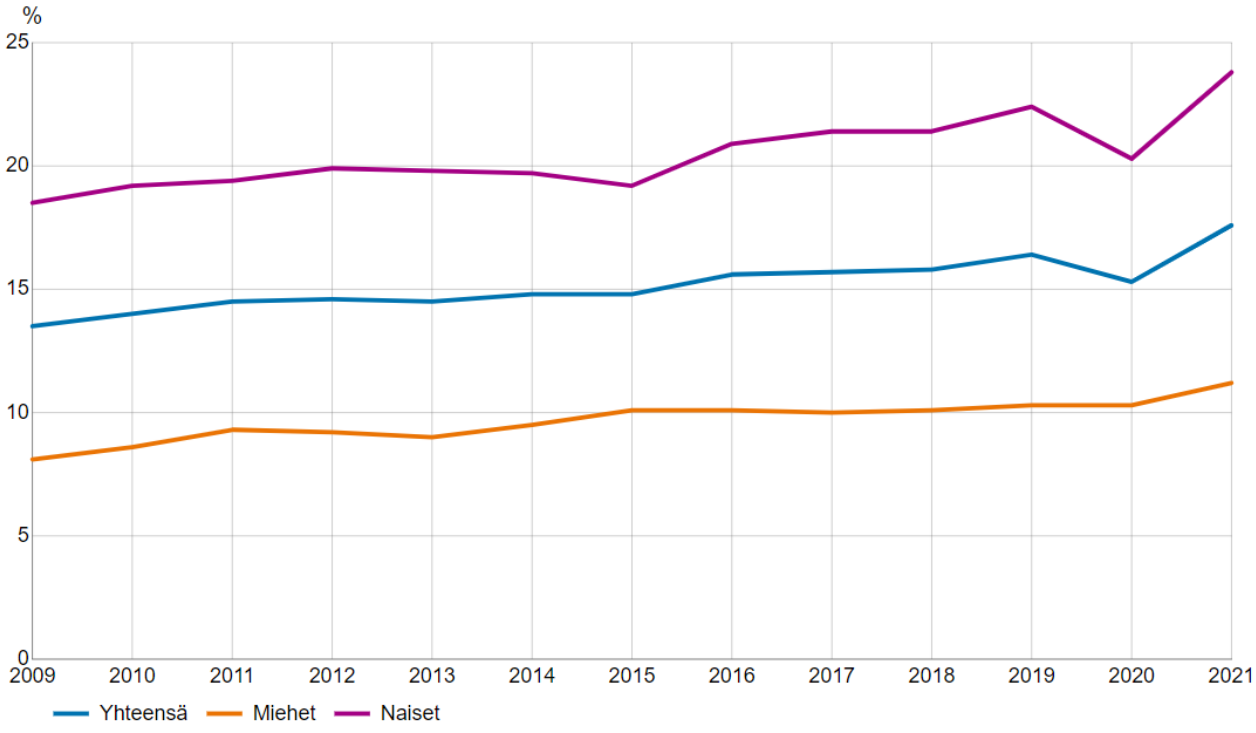
Labour Force Survey 2021

[7] A collective agreement in the health services sector in force between 1 October 2013 and 31 March 2016.
[8] A collective agreement in the stevedoring sector in force between 1 February 2014 and 31 January 2017.



	Part-time wage and salary earners by gender, 2009-2021, aged 15-74 years		
1,000 people			
		Men	Women

Osa-aikaisten palkansaajien osuus palkansaajista sukupuolen mukaan 2009-2021, 15-74 –vuotiaat %



Relative proportion of part-time wage and salary earners by gender, 2009-2021, aged 15-74 years		
Total	Men	Women

There were 473,000 employed persons working part-time in 2021, which was 19 per cent of all employed persons (women 24 per cent, men 13 per cent). The number of employed persons working part-time was 58,000 higher than in 2020. Some 385,000 of those working part-time were wage and salary earners, which was 55,000 higher than in the preceding year. The Labour Force Survey figures for part-time working are based on self-reporting by respondents.

Some 18 per cent of all wage and salary earners were working part-time in 2021. Part-time work was more common among women than men. Some 24 per cent of female employees (264,000) and 11 per cent of male employees (122,000) were working part time. The proportion of wage and salary earners working part time grew by 3.5 percentage points for women and 0.9 percentage points for men year on year.

Part-time work was common among employees in the youngest and especially the oldest age groups. Some 46 per cent of wage and salary earners aged between 15 and 24 years worked part-time in 2021, mainly because of studies. Some 62 per cent of wage and salary earners aged between 65 and 74 years worked part-time.

Part-time working is well suited to the life situation of many people engaged in this kind of work. Less than a third of part-time workers would prefer to work full time. Some 118,000 part-time employees would have preferred to work full time in 2021. 81,000 of these employees were women and 37,000 were men.

Lack of full-time employment was the most common reason for female employees to work part time. This reason was reported by just under one third of women in part-time work. Studies and a lack of part-time work were equally common reasons given by men. Just under one third reported studies and just under one third cited the lack of full-time work as the reason for working part time.

Other cited grounds related to life situation for working part time were care of children or relatives, and health reasons. Almost all respondents citing the need to care for children or relatives as grounds for working part time were women. Just over a quarter of all part-time wage and salary earners cited studies as the reason for working part time. Nearly two in three respondents aged between 15 and 24 years cited studies as the reason for working part time.

Source: Statistics Finland, Labour Force Survey 2021 (published on 29 June 2022):
https://www.stat.fi/julkaisu/cl2yinm5hzj1l0dw2f2b376he

Case law

Judgement of the Supreme Court 2017:4

Employee A had been working part time when the employer had concluded an apprenticeship contract with a person not previously in the employee's service. The employer had also hired a new employee on a permanent basis during the maternity leave of employee A. Both of the new employees had served as household appliance sales assistants in the same way as employee A.

The question concerned whether the apprenticeship had related to work that the employer should have offered in the first instance to employee A, and whether the employer had subsequently discriminated against employee A on the grounds of pregnancy and childbirth. The Supreme Court found that the company had wilfully or negligently infringed its obligations under the Employment Contracts Act when failing to offer to part-time employee A the additional work that was available at the company and suitable for the said employee. Employee A was held to be entitled to compensation for the damage so caused by the employer. The company had submitted no grounds for its conduct other than the assertion that employee A could not have performed the work in question due to her maternity leave.

The Supreme Court held that maternity leave is immediately scheduled together with and arises from childbirth. When the company failed to offer a suitable position to employee A due to her maternity leave, A was disadvantaged on the basis of pregnancy and childbirth due to the company's conduct. By infringing its obligation to provide additional work, the company

had also become guilty of discrimination that is prohibited under the Act on Equality Between Women and Men. The Supreme Court found that employee A was entitled to the compensation for loss of earnings referred to in chapter 12, section 1 of the Employment Contracts Act for the period from 1 January 2012 to 30 June 2012, and to the compensation laid down in section 11 of the Act on Equality Between Women and Men.

Judgement of the Labour Court 2019:45 (3 April 2019)

An enterprise had recruited seven new temporary employees. The Labour Court found that a part-time employee who had already been working for the enterprise would have been suitable for the vacant positions. The Labour Court further found that the employer had, in the case of two new temporary employees, failed to prove that the employer could not have offered the hours allocated thereto to the part-time employee who was already in the employer's service. The employer was held in this regard to have knowingly infringed the collective agreement provision concerning offering of work to part-time employees. The employer was ordered to pay a compensatory fine.

Judgement of the Labour Court 2015-44 (22 May 2015)

An enterprise had hired four new employees for its shop. The issue at stake concerned whether the part-time employees already employed by the employer would have been suitable for the vacant positions, and whether the working hours allocated to the new employees should accordingly have been offered to the said incumbent part-timers.

There were no elements in the evidence submitted that would have shown that the employer had any commercial management grounds for not offering at least some of the additional work to the incumbent shop staff in the first instance. Even if, having regard to such factors as the variability of customer flows, overlapping labour requirements and annual holidays, the employer had grounds for hiring more employees, the employer should have allocated more available additional hours than were offered to the incumbent part-time employees when hiring the new employees, for example through working time arrangements and by applying the system for equalising working time in accordance with the collective agreement. The employer was ordered to pay a compensatory fine for a wilful breach of the collective agreement.