

MEAE brochures • 10/2017

Working Hours Act



Ministry of Economic Affairs
and Employment of Finland



Ministry of Economic Affairs and Employment

Labour and Trade Department

Jan Hjelt

P.O. 32, 00023 FI-00023 GOVERNMENT

Tel. +358 29 516 001

www.tem.fi

MEAE brochures 10/2017

Layout: MEAE, June 2017

Contents

- 1 General 4**
- 2 Scope of the Act and derogations 5**
- 3 Time included in working hours and on-call time 7**
- 4 Regular working hours 9**
 - 4.1 Regular working hours based on a collective agreement 11
 - 4.2 Exceptional regular working hours 12
 - 4.3 Reduced working hours based on an agreement 13
 - 4.4 Flexible working hours 13
- 5 Exceeding regular working hours 14**
 - 5.1 Additional work 14
 - 5.2 Overtime 14
 - 5.3 Preparation and completion work 16
 - 5.4 Emergency work 16
- 6 Night and shift work 18**
- 7 Rest periods and Sunday work 20**
 - 7.1 Daily rest periods 20
 - 7.2 24-hour based rest period 20
 - 7.3 Weekly free time 22
 - 7.4 Sunday work 22
- 8 Documentation of working hours 23**
- 9 Limitation of action 25**
- 10 Penal provisions 26**
- 11 Supervision of compliance with the Act 26**

1 General

The Working Hours Act (605/1996) regulates working hours. The Act applies to both contractual and public service employment relationships. Working time regulations are binding by nature. Terms in an employment contract which reduce the benefits to which the employee is entitled according to the Working Hours Act are null and void, unless the Act specifically stipulates otherwise. The national employer and employee organisations in the private and public sectors may, however, reach collective agreements that take the special demands of a specific sector or company into consideration in their collective bargaining.

Through collective agreements in the private and public sectors, it is possible to agree on matters such as the following:

- the time included in working hours
- on-call time
- arrangement of regular working hours
- flexibility and maximum accumulation of flexible working hours
- compensation payable for additional work and overtime
- night work in jobs other than those listed under the night work provisions in the Act
- night shifts in period-based work
- daily rest periods
- daily rest time
- weekly free time and exceptions to it
- Sunday work and the associated pay increments payable for it
- working hours adjustment system
- work schedules.

2 Scope of the Act and derogations

The Working Hours Act applies to **work performed in an employment relationship as referred to in the Employment Contracts Act (55/2001)**, unless otherwise stipulated in the Act. Work is performed in an employment relationship when the employee works for the employer on a contractual basis and for remuneration under the guidance and supervision of the employer.

The Working Hours Act also applies to **public officials in central and local government, in joint municipal boards and in the Evangelical-Lutheran Church of Finland**, unless otherwise stipulated elsewhere.

In addition to the Working Hours Act, working hours provisions in the Young Workers Act apply to work performed by persons under the age of 18.

The Working Hours Act does not apply to

- work performed by upper-level employees which, on the basis of the tasks included in the work or otherwise of the employee's position, is considered to be management of the company, corporation or foundation or an independent part thereof, or which is considered to be an independent task directly comparable to such management
- employees who perform religious functions in the Evangelical-Lutheran Church of Finland, the Orthodox Church of Finland or some other religious community
- work performed by an employee at home or otherwise in conditions where it cannot be considered a duty of the employer to monitor arrangement of the time spent on this work. Work performed outside the employee's fixed worksite falls outside the scope of the Working Hours Act only when it is by nature or by the circumstances of its performance so independent that the employer cannot be assumed to arrange or supervise the employee's working hours and does not in fact do so
- work performed by a member of the employer's family

- forest, forest improvement and timber-floating work or related work, excluding mechanical forest and forest improvement work and short-distance timber transport performed off road
- reindeer husbandry or fishing and processing of the catch immediately in connection with it
- jobs where the working hours are regulated separately, for example in the Seamen's Working Hours Act (296/1976) and the Act on Working Hours on Vessels in Domestic Traffic (248/1982).

Officials of the Finnish Border Guard fall outside the scope of application of the Working Hours Act, but the Act does apply to some officials of the Defence Forces as referred to in the Decree on the Working Hours of State Civil Servants. The working hours of officials in the Defence Forces are agreed in the collective agreement for public servants. However, in the above cases the provision of the Working Hours Act concerning agreeing on working hours shorter than the regular working hours when a person takes a part-time pension will apply.

3 Time included in working hours and on-call time

According to the Working Hours Act **the time included in working hours** in principle consists only of the time which the employee uses to perform the contractual tasks or the time during which the employee is obliged to be at the place of work or available to the employer in some other place determined by the employer. Participation in training can be considered working time if the employer stipulates that this participation is compulsory and when the performance of the employee's tasks necessarily requires such participation in training.

Time which is not included in working hours is

- time taken undergoing medical examinations
- time used by personnel representatives (e.g. a shop steward, an elected representative or an occupational safety and health delegate) in carrying out the duties pertaining to their position of trust, this time being specifically the 'off-duty' time determined on the basis of law or collective agreement
- the daily rest period, if the employee is free to leave the workplace during this time
- travel time, if this does not constitute work or a fixed element of it (e.g. short distances travelled by a fitter or housekeeper when moving from one workplace to another, perhaps several times a day)

The **on-call** provisions indicates the employee's contractual obligation to remain at home or otherwise available to be called in to work when necessary. On-call time is not included in working hours. Hours of work performed during the on-call time are naturally added to the hours included as working hours.

The on-call obligation is a matter which must always be agreed by the employer and the employee. Consent to an on-call obligation can be given in the employment contract. The employee must be remunerated for on-call time, and the restrictions on the employee's use of free time due to on-call arrangements must be taken into consideration in the amount of the remuneration. If the employee and the employer have agreed that during the on-call time the employee must stay at home, at least half of the time the employee spends on call at home must be remunerated either in pay or by corresponding free time during regular working hours.

If on-call arrangements are necessary due to the nature of the work and for extremely compelling reasons, a public official in central or local government cannot refuse these. Such tasks occur, for example, in social and health care, fire and rescue services or technical works where the undisturbed supply of services and operations is necessary in order to protect the lives and health of citizens, as well as property and the environment. In addition, the tasks must be of such a nature that they cannot be postponed without jeopardizing life, health or property.

4 Regular working hours

An employee's regular working hours can be determined according to provisions of the law, the working hours stipulations of a collective agreement binding on the employer, or the terms of local agreements.

In the Working Hours Act, the provisions relating to regular working hours (and the sections in which they are given) are:

- general provision (section 6)
- working hours in period-based work (section 7)
- working hours of motor vehicle drivers (section 8)
- regular working hours based on a collective agreement (section 9)
- agreement on regular working hours based on a generally applicable collective agreement (sections 10-11)
- local agreements on regular working hours based on the law (section 12)
- flexible working hours (section 13)
- exceptional regular working hours (section 14) and
- reduced working hours (section 15).

According to **the general provision of the Act**, regular working hours shall not exceed eight hours a day and 40 hours a week. The regular weekly working hours can also be arranged in such a way that the average is 40 hours over a period of no more than 52 weeks. This arrangement allows six-day working weeks, and the regular working hours per week can be up to 48 hours. When an average working hours figure is used, the reference period may be any 52-week period. However, the amount of overtime done has to be declared by calendar year.

When using an average working hours figure, the employer must prepare a working hours adjustment system in advance, at least for the period during which the regular working hours per week average out at the 40 hours stipulated in the Act.

Unless otherwise provided by collective agreement, an employer and an employee may agree to extend regular daily working hours by one hour, to a total of nine hours. Average regular weekly working hours cannot exceed 40 hours during a period of four weeks. Weekly working hours cannot exceed 45.

In **period-based work**, the regular hours can be arranged so that they do not exceed 120 hours during a three-week period or 80 hours during a two-week period. The employer is permitted to apply period-based working hours only in companies, shops, institutions and jobs listed in the Act.

The following can be arranged as period-based work:

- work for the police, customs, post, telecommunications and radio services, but not in their machine or repair shops or in construction work, where the general provision applies
- work in hospitals, health centres, 24-hour day-care centres, summer colonies, welfare and other such institutions and in prisons
- work in passenger and goods transport, on canals, swing bridges and ferryboats
- loading and unloading work on vessels and railway wagons
- work carried out during test runs of vessels
- off-road work in mechanical forest and forest improvement work and short-distance transportation of timber
- household work
- guard work
- work in dairies
- work at accommodation and catering establishments, cultural and recreational establishments and film studios and film inspection offices, excluding their workshops, where the general provision shall apply.

The daily working hours of a motor vehicle driver shall not exceed 11 hours during the 24 hours following a daily rest period. If the work of a motor vehicle driver cannot be practically organised otherwise, the daily working hours can be increased to a maximum of 13 hours provided that the number of working hours does not exceed 22 within the 48 hours following the daily rest period that follows the increased daily working hours. The daily driving time of a driver covered by the Driving Time and Rest Periods Regulation may be no more than nine hours. It can nevertheless be extended to 10 hours on two occasions during one week.

4.1 Regular working hours based on a collective agreement

The Working Hours Act allows employees' regular working hours arrangements to be agreed in collective agreements. A collective agreement on regular working hours can be entered into by individual employers and nationwide employee organisations. Collective agreements can be used to agree regular working hours arrangements in such a way that regular working hours must average out at 40 hours a week over a maximum of 52 weeks. It is possible to have an arrangement where, for instance, work of 12 hours a day is performed as regular working hours, provided that weekly working hours average out at 40 over a predefined reference period.

In unionised employment, regular working hours arrangements are generally based on a national collective agreement or a local working hours solution made under the authority of such an agreement.

If there are provisions in a collective agreement which are contrary to the Working Hours Act, an employer bound by the collective agreement is also allowed to apply these provisions to the employment relationships of those employees who are not bound by the collective agreement but to whose employment relationship the employer is obliged, on the basis of the Collective Agreements Act to apply provisions of the collective agreement. Such provisions may be observed by the employer beyond the end of the collective agreement period, unless the employee or employer organisation that is party to the agreement gives notice that application of the provisions must be discontinued. However, the right to give such notice does not apply until six months after the collective agreement has ceased to have effect. In such cases, the application of the provisions should cease within two weeks of the notification, or at the end of the current working hours reference period.

An employer that is not a member of an employers' organisation but which has an obliga-

tion to observe the collective agreement by **virtue of its general applicability**, is entitled to observe even such provisions of the collective agreement that reduce the statutory benefits of employees. If a generally applicable collective agreement permits localised working hours agreements, the employer complying with the collective agreement on the basis of its general applicability may also make a localised working hours agreement in the manner, and within the limits, set out in the collective agreement. The agreement may be made by the employer and a shop steward as referred to in the collective agreement or, if none has been elected, the elected representative or some other representative chosen by the personnel or, if none such exists, the employees belonging to the same personnel group together. The workplace's entire personnel or personnel group together may make a local agreement concerning regular working hours only by unanimous decision.

The agreement on average regular working hours must be made in writing. If such an agreement is in force for less than two weeks, however, it may be made verbally, provided that the parties agree on this. The agreement can be drawn up for a fixed period or to be valid indefinitely. An agreement made indefinitely can be cancelled with effect from the end of the current working hours reference period, observing a two-week period of notice of cancellations unless agreed otherwise.

Notification of an agreement on regular working hours made by an employees' representative must be given to the employees who are covered by the agreement no later than one week prior to its taking force. An agreement made by an employees' representative binds all employees referred to in the agreement who the shop steward or other personnel representative can be considered to represent. An employee is, however, entitled to observe his or her earlier working hours if the employer is notified accordingly no later than two days prior to the agreement taking force.

4.2 Exceptional regular working hours

In the case of work which is carried out only from time to time within a 24-hour period during which the employee must be available for work, the Regional State Administrative Agency can grant permission for a departure from the general provision on working hours, on conditions set by itself. Nationwide employer and employee organisations are also entitled to agree on regular working hours diverging from the general provision.

4.3 Reduced working hours based on an agreement

If an employee wishes, for social or health reasons, to work less than the regular working hours, the employer must seek to arrange work so that the employee can work part-time. Reduced working hours can take the form of shortened daily or weekly regular working time. The procedure always requires an agreement, and it can be established for a fixed term of up to 26 weeks at a time.

Chapter 4 of the Employment Contracts Act also contains provisions related to the right of the parents of young children to reduce their working hours to take partial care leave. Additionally, by law a part-time employment contract can always be concluded in cases where the parties are in full agreement about the matter.

If an employee wishes to work fewer than the regular working hours in order to retire on a part-time pension, the employer must seek to organise the work so that the employee may do part-time work. The working hours are reduced in a manner agreed by the employer and the employee, taking into consideration the needs of the employee and the production and service activities concerned.

4.4 Flexible working hours

Flexitime means an arrangement of regular working hours where the employee, within limits agreed in advance, can decide himself or herself when to come to the workplace and when to leave. The system does not affect the total working hours: even with a flexible working hours system, the employee is required to work the total number of regular working hours within the agreed time period.

The introduction of flexible working hours is by agreement between the employer and the employee. Agreement must be reached on at least on the following: the period of non-flexible, fixed working hours; the limits of flexibility within 24 hours; the timing of rest periods; and the maximum number of hours that may be accumulated in excess of or short of the regular working hours. According to the provision, the daily working hours may be extended or reduced by up to three hours, which means that the daily working time, as determined by the employee, can be a maximum of 11 hours. The maximum accumulation referred to above may not exceed 40 hours. The employer and the employee can agree to reduce the hours accumulated in excess of regular working hours by means of free time granted to the employee.

5 Exceeding regular working hours

5.1 Additional work

Additional work is work which is performed at the employer's initiative and with the employee's consent and which exceeds the contractual regular working hours but does not exceed the statutory regular working hours. Where an employee's working hours are less than the statutory regular working hours, this may be based on either an employment contract or a collective agreement. For additional work, the employee must be remunerated with at least the equivalent amount that would be payable on the basis of regular working hours.

The employee's consent is required before additional work can be assigned. Consent can also be given when agreement is made regarding on-call arrangements. A blanket consent can be included in the employment contract, in which case the employee is bound by the consent he or she has given. However, employees are entitled to refuse additional work on days which are entered as free time on the work schedule, provided they have a justifiable personal reason. Such reasons include studies, such as preparing for or sitting an examination, arranging for child care or care of other members of the family, and health-related reasons.

5.2 Overtime

Overtime is work which is performed at the **employer's initiative** in addition to the statutory regular working hours. An employee's statutory regular working hours can be determined either directly from the law or on the basis of a local agreement, collective agreement or exceptional permission. If an employee's working hours are in accordance with the general provision of the Act, all work exceeding eight hours per day or 40 hours per week is considered to be overtime. If the working hours arrangement is one where working hours are averaged over a reference period, all work that is performed in addition to the regular working hours given in the work schedule is considered to be overtime. In period-based work, overtime is calculated for each reference period.

An employee's consent is always required for the employer to be able to assign additional work or overtime. The employee's consent to overtime must be given separately each time before the overtime occurs. A blanket consent may, however, be given for a defined, relatively short period if this is necessary for the arrangement of the work. When giving his or her consent, the employee must be aware of the duration of the period for which the consent is given. Consent to additional work or overtime can also be given when agreement is made regarding on-call arrangements.

Public servants in central or local government may not refuse additional work or overtime if the work is essential in nature and necessary for very compelling reasons. In other cases, additional work and overtime will require the consent of the public servant.

The maximum amount of overtime that may be performed during a four-month period is 138 hours, which is the highest amount of overtime per four-month period permitted by the Working Hours Directive. The amount of overtime is also restricted at the annual level to a maximum of 250 hours per calendar year. However, further overtime of up to 80 hours per calendar year can be agreed locally. Nevertheless, even in this case the limit of 138 hours of overtime in a four-month period must not be exceeded. At a workplace, additional overtime can be agreed upon by the employer and a shop steward referred to in the collective agreement, or if a shop steward has not been elected, an elected representative or other representative chosen by personnel. If the workplace has no elected representative for the personnel or personnel group, the workplace personnel or the employees belonging to the same personnel group can jointly agree on additional overtime. For additional overtime to be done, the employee's consent is still required.

In a collective agreement, nationwide employer and employee organisations can agree on the time period for calculating the maximum amount of overtime. The maximum time period for calculation that may be made by collective agreement is 12 months.

For daily overtime, the employee must be given 50 per cent more pay for the first two hours and 100 per cent for hours beyond that. For weekly overtime, the additional pay must be 50 per cent.

For a worker paid by the hour, the hourly wage forms the basis for overtime remuneration. If the employee's pay is determined on the basis of a period longer than an hour, the hourly wage is calculated by dividing the contractual pay by the number of regular working hours. For an employee with a monthly salary, the monthly salary forms the basis of calculation. For piecework pay, the hourly wage is calculated by dividing the piecework pay by the number of hours used to do the work. The number of hours used as the divisor in this case is the actual number of hours worked, which may consist of regular working hours or overtime. When the basic amount of the remuneration for additional work or overtime is calculated, fringe benefits included in pay must be taken into account as items increasing the basic amount.

The employer and the employee may also agree that the remuneration for additional work or overtime can be converted in full or in part into an equivalent amount of free time. The duration of free time corresponding to overtime is determined in accordance with the principles of remuneration for overtime. The free time must be granted within six months of the additional work or overtime in question, unless otherwise agreed. The employer and employee may also agree that free time granted as remuneration for additional work or overtime can be added on to saved leave.

The Working Hours Act also includes provisions about remuneration for overtime in cases where an employment contract with an averaged working hours arrangement ends in the middle of the reference period.

5.3 Preparation and completion work

Preparation and completion work refers to: work which is necessary to enable other employees in the same workplace to work throughout their normal working hours; work carried out by a managerial employee immediately prior to the commencement or after the end of his or her subordinates' working hours; or work which is necessary in shift work to allow information to be exchanged at the change of shifts.

Preparation and completion work requires the employee's consent, which can be given in the employment contract. Employees can be required to do up to five hours of such work per week; this is not taken into account in the maximum amount of overtime.

5.4 Emergency work

Emergency work is work performed outside regular working hours because of unforeseeable reasons in exceptional circumstances. The requirements regarding emergency work are strict. Emergency work can be called for if an unforeseen, sudden occurrence has caused an interruption in the regular operations of any corporation acting as an employer, or seriously threatens to cause such interruption or to put life, property or health at risk. By definition, emergency work cannot be postponed.

When evaluating whether the need for emergency work is justified, consideration must be given to, for example, the nature of the business (e.g. energy supply and distribution, major process industry, wholesale trade, agriculture), the extent of the business, the amount of capital invested in the business, and the amount of estimated or actual damage caused by the interruption or the threat of interruption of regular operations. It is essential to assess the

extent or importance of the interruption or threat of interruption, as compared to normal disruptions in regular operation. Events causing damage to the environment must also be taken into account in the assessment.

When the criteria for emergency work are fulfilled, working hours can be extended as required for as long as the situation persists, though not beyond two weeks. Emergency work can be performed without regard to the maximum amounts of overtime. During emergency work, exceptions can also be made to the restrictions on night work, weekly free time and Sunday work. Neither daily rest periods nor the 24-hour based rest time need to be given during emergency work.

The employer must immediately inform the Occupational Safety and Health Authority in writing about the cause, extent and probable duration of the emergency work.

An employee aged less than 15 must not be assigned to overtime or emergency work. A young person aged 15 or over can only be assigned to emergency work if no one aged 18 or over is available to perform the work.

6 Night and shift work

Night work is considered to be work carried out between 23.00 and 06.00. Night work can only be assigned in the cases listed in the Act.

Night work is allowed in cases such as the following:

- in period-based work;
- in work which has been divided into three or more shifts;
- in work which has been divided into two shifts, but only until 01.00;
- in the maintenance and cleaning of public roads, streets and airfields;
- in pharmacies;
- at newspapers and magazines, news and photographic agencies and in other media work, and in the delivery of newspapers;
- in service and repair work which is necessary to allow work to proceed regularly in undertakings, corporations or foundations, or in work which cannot be carried out simultaneously with the regular work of the workplace concerned;
- at peat sites during the peat extraction season;
- at sawmill drying houses;
- in heating work at greenhouses and drying plants;
- with the employee's consent, in urgent sowing and harvesting, in work directly related to parturient farm animals or to the treatment of ill farm animals and in other such farm work which cannot be postponed due to its nature;
- in work which is carried out almost completely at night due to its nature.

Night work is also allowed with permission from and under conditions set by the Regional State Administrative Agency, in work where the technical nature or other specific reasons so require.

In particularly dangerous or physically or mentally highly stressful work laid down by decree or agreed upon by collective agreement, working hours may not exceed eight hours per day if the work is carried out as night work.

In **shift work**, the shifts must change regularly and at intervals agreed upon in advance. Shifts that continue for up to an hour alongside the next shift or shifts are no more than an hour apart are also deemed to be regularly changing shifts. The Regional State Administrative Agency can grant permission to diverge from these provisions.

In period-based work, an employee can be required by the work schedule to work no more than seven consecutive night shifts. **Night shift** refers to a work shift of which at least three hours take place between 23.00 and 06.00. This provision does not prevent continuous night work, provided that the employee is given sufficient free time after seven successive night shifts. The continuity of night shifts is interrupted by another work shift (morning or evening shift) or by rest time which is longer than the 24-hour based rest time that lies between the work shifts. Continuity is also interrupted by, for instance, annual leave, weekly free time and leave for the balancing or reduction of working hours. Such free time must include a free period equalling at least one night shift.

7 Rest periods and Sunday work

7.1 Daily rest periods

If daily working hours exceed six, the employee must be granted a regular rest period of at least one hour, during which he or she is free to leave the workplace without hindrance. In this case, the rest period is not included in working hours. In shift work and period-based work, as an exception to the general provision, the employee must be given a rest period of at least half an hour or an opportunity to eat during the work shift.

The employer and the employee can nevertheless agree on a shorter rest period, but this may not be less than half an hour. The rest period cannot be placed immediately at the beginning or the end of a work shift. Additionally, if he or she desires, the employee is entitled to have an extra rest period if the working hours exceed 10 hours per day. The employee may specify the duration of this rest period, but it may not exceed half an hour. This rest period can be taken after eight hours' work at the earliest.

Motor vehicle drivers must be given a minimum of 30 minutes' rest, taken in a single period or in two parts, for each work period of five and a half hours. Drivers to whom the Community Drivers' Hours Regulation applies must have a break of at least 45 minutes after driving for four and a half hours. The break may also be taken in two or more parts during the stated drive period, where each short break is at least 15 minutes.

7.2 24-hour based rest period

According to the general rule, an employee is entitled to an uninterrupted rest time of at least 11 hours within 24 hours from the beginning of each work shift. In period-based work, the employee must be given an uninterrupted rest period of at least nine hours. The provision on 24-hour based rest periods does not apply to work performed by an employee during an on-call period.

The employer and a shop steward referred to in the collective agreement, or if such has not been elected, an elected representative or other personnel representative, may additionally agree on a temporary reduction of the 24-hour based rest period, with the employee's consent. The 24-hour based rest period can also be shortened in a flexible working hours system, because here the employee can decide when to come to the workplace and when to leave. In the above situations, with the exception of the system of exceptional regular working hours, the rest period must, however, be at least seven hours.

If the organization of work or the nature of operations so requires, temporary exceptions can be made from the 24-hour based rest period provision during no more than three consecutive 24-hour based rest periods. Such exceptions can only be made in the specific circumstances mentioned in the Act. The right to shorten the 24-hour based rest period is restricted not only by the specific statutory requirements but also by the provisions relating to the obligation to create a working hours system and by the employee's consent that is necessary for engaging in overtime and additional work.

It is possible to shorten the 24-hour based rest period temporarily in the following cases:

- in shift work, when an employee's work shift changes so that there is less than 11 hours' rest in a 24-hour based rest period between the previous and the next working period;
- if the work concerned is done in several periods within a day;
- if an employee's workplace and residence or his or her other workplace are far apart;
- in order to clear an unexpected rush in seasonal work;
- in work to prevent injury or damage or to manage a situation arising in connection with an accident or the risk of an accident;
- in security and guard work requiring continuous presence to protect persons or property;
- in work which is necessary for continuity of operations.

A 24-hour based rest period temporarily shortened must, nevertheless, be at least five hours. Employees must be granted time to rest to compensate for their shorter daily rest periods as soon as possible, and within one month at the latest.

Motor vehicle drivers must be given a minimum of 10 hours of uninterrupted rest within each period of 24 consecutive hours. When a driver's duties so require, the rest period per 24 hours can be shortened to a minimum of seven hours twice within seven consecutive 24-hour periods. However, the 24-hour based rest period for drivers to whom the Community Drivers' Hours Regulation applies must be at least 11 hours in every 24-hour period. The period of availability, meaning the drive time, other working time, waiting time and meal and other breaks combined, may be no more than 13 hours.

7.3 Weekly free time

An employee is entitled to at least 35 hours of uninterrupted rest each week, preferably around a Sunday. The employer is not obliged to determine in advance which out of the rest periods in the work schedule drawn up in advance constitutes the rest referred to in the provision. Annual leave, public holidays that fall on a weekday, working hours balancing leave or any other single uninterrupted period of free time lasting at least 35 hours fulfils the criteria set for weekly free time.

The weekly free time period can be arranged so that it averages 35 hours within a 14-day period. The free time must, however, be at least 24 hours each week. In uninterrupted shift work, the weekly free time can be organized to average at least 24 hours each time within a 12-week period. With the consent of the employee concerned, this procedure is also applicable when technical conditions or the organization of work so require. The employee has no right to weekly free time if his or her regular working hours are no more than three hours per day. Exceptions can be made from the weekly free time if the employee is temporarily required to work during his or her free time to enable the regular flow of work in the workplace to be maintained, or if the technical nature of the work does not allow certain workers to be completely released from their duties.

If the employee works during the weekly free time, he or she must be compensated for the time spent at work by reducing his or her regular working hours by the number of hours of free time that were lost. Compensation given for the loss of weekly free time must be for the hours that coincide with the free time. The compensation given in the form of reduced working hours must be granted within three months of performing the work in question, unless otherwise agreed. With the employee's consent, however, he or she can also be compensated for such work by remuneration in cash for as many hours as the employee's working hours would otherwise be reduced.

7.4 Sunday work

Sunday work is work performed on a Sunday or other church holiday. It is permissible to assign Sunday work for reasons arising from the nature of the work and with the employee's consent. Without the employee's specific consent, the employer can nevertheless assign work on a Sunday or other church holiday if the nature of the work is such that it is regularly performed on the said days.

The amount payable for Sunday work is twice the regular pay. The compensation for Sunday work does not have an effect on the amount of compensation for extra, overtime, or emergency work that may be payable to the employee. Compensation for Sunday work cannot be converted to free time.

8 Documentation of working hours

If regular working hours have been arranged on the basis of an average, the employer must prepare a **working hours adjustment system** at least for the period within which regular working hours will be averaged to the statutory figure. The adjustment system must show at least the regular working hours for each week.

In addition to the working hours adjustment system, the employer must also prepare a **work schedule** which shows in more detail the working hours and rest periods for each employee. The adjustment system and work schedule can be contained in the same document. The work schedule must usually be prepared for the same period as the working hours adjustment system. If this is unduly difficult, for example because of the irregularity of the work, the work schedule does not need to cover as long a period. However, even in such cases the work schedule should be prepared for as long a period as possible. The work schedule must include the starting and ending times for regular working hours and the time of the daily rest period.

When preparing the working hours adjustment system and the work schedules, the employer must consult the shop steward, elected representative or occupational safety and health delegate. Employees must be provided with a written work schedule in good time, or at least one week before the start of the period the schedule concerns.

Usually, a work schedule brought to the employees' attention can be altered only with the consent of the employee or employees concerned. However, in order to safeguard the functioning of the workplace, the employer may change the work schedule for some compelling reason related to the arrangement of work not known to the employer when the work schedule was prepared.

If preparing a work schedule is unduly difficult because of the irregularity of the work concerned, the Regional State Administrative Agency can grant partial or complete exemption from the need to prepare a work schedule.

The employer also has an obligation to register the hours worked and the relevant remuneration for each employee. The employer must keep the **working hours register** and information on the work schedule entries on employees at least until the end of the period for claims stipulated in the Working Hours Act, i.e. two years from the end of the calendar year during which the right to the claim originated.

Employers shall provide motor vehicle drivers in their employment with personal **driver's logs** for monitoring their daily working hours. Drivers shall keep driver's logs in such a way that they show the starting and ending times of their daily working hours, rest periods and breaks. The entry for each period shall be made in the driver's log as soon as it ends and before the next period begins. A tachograph may be used instead of a driver's log.

Motor vehicle drivers are required to make the necessary entries in the driver's log and to keep with them when driving their log for the current week and the last driving day of the previous week. The employer is required to keep the driver's' logs for a period of one year.

9 Limitation of action

The entitlement to remuneration as referred to in the Working Hours Act will lapse if it is not claimed within two years of the end of the calendar year in which the entitlement arose.

If it has been agreed that the free time granted in place of remuneration in cash will be added to saved leave, the claim while the employment relationship is in force must be filed within two years of the end of the calendar year in which the free time should have been granted, under the threat of the remuneration lapsing.

Once an employment relationship ends, the claim concerning a receivable must, under threat of it lapsing, be filed no later than two years after the employment contract ends.

10 Penal provisions

An employer or an employer's representative who deliberately or out of carelessness violates the Working Hours Act or rules and regulations issued under it, other than those concerning duty to pay, agreement, the form of a legal act, the working hours register or display, shall be sentenced to a fine for **violation of the working hours regulations**.

A driver of a motor vehicle who fails to make the required entries in the driver's log or to keep the log in the vehicle while driving shall also be sentenced for violation of the working hours regulations.

The distribution of liability between an employer and the employer's representatives shall be determined under chapter 47, section 7 of the Criminal Code.

11 Supervision of compliance with the Act

Compliance with the Working Hours Act is supervised by the Occupational Safety and Health Authorities. The same authorities also supervise local agreements on regular working hours that are based on a generally applicable collective agreement.



Ministry of Economic Affairs
and Employment of Finland